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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CITY OF GREENVILLE, ILLINOIS,)
et al.,)
)
 Plaintiffs,)
vs) Case No.:
) 10-cv-188-JPG-PMF
)
SYNGENTA CROP PROTECTION, INC.,)
et al.,)
)
 Defendants.)

CONFIDENTIAL VIDEOTAPED DEPOSITION
OF DR. JOHN ATKIN

VOLUME I

Friday, October 15, 2010

AT: 8:56 a.m.

Taken at:

McDermott Will & Emery
Rue Pere Eudore Devroye 245
1150 Brussels
Belgium

Court Reporter:

JUDITH WHITE

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1 Also present:	1 EXHIBIT NAME DESCRIPTION PAGE #
2 MR. ALAN B. NADEL (Litigation Counsel,	2 Exhibit 8 Summary of CV of 13
3 Syngenta Crop Protection, Inc.)	3 John Atkin
4 MR. JONATHAN SULLIVAN (Group Litigation Counsel,	4 Exhibit 9 Syngenta document, entitled 175
5 Syngenta International AG)	5 "Development Principles,
6 Videographer:	6 Concepts and Processes",
7 MR. PHILLIP HILL	7 Bates stamped SYN02787781-837
8	8 Exhibit 10 Executive summary of 2001 179
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10	10 release for first sales of
11	11 mesotrione/Callisto, Bates
12	12 stamped SYN02018694-735
13	13 Exhibit 11 Syngenta document, entitled 183
14	14 "Application: Release for
15	15 First Sales of an Active
16	16 Ingredient. Mesotrione",
17	17 Bates stamped GRNVL0000051641
18	18 Exhibit 12 Syngenta document, entitled 188
19	19 "Mesotrione. Release for
20	20 First Sales", Bates stamped
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1	"Minutes of the Meeting	1	"Mesotrione Soil Persistence in
2	'Review of Corn Strategy in	2	USA and Impact on LUMAX Launch",
3	Various Triazine Scenarios",	3	Bates stamped SYN01900144-168
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5	Exhibit 15 Minutes of Development 197	5	Exhibit 25 Email chain, with the email at 229
6	Committee meeting in Basel on	6	the top of the first page
7	September 10, 2002, Bates	7	being from Derek Cornes to
8	stamped SYN01717371-396	8	Alfred Seiler and others,
9	Exhibit 16 Email chain, with the email at 200	9	dated December 9, 2002, Bates
10	the top of the first page	10	stamped GRNVL0000033487-489
11	being from Alfred Seiler to	11	Exhibit 26 Minutes of Development 229
12	Chen Sunmao, dated July 31, 2002	12	Committee meeting in Basel on
13	Bates stamped SYN02235355-357 and	13	December 13, 2002, Bates
14	GRNVL0000032347-349	14	stamped GRNVL0000080500-505
15	Exhibit 17 Syngenta document, entitled 212	15	Exhibit 27 Minutes of Development 230
16	"SYN-449208. Project Review	16	Committee meeting in Basel on
17	Meeting & DeCo input", Bates	17	May 7, 2003, Bates
18	stamped GRNVL0000046203-207	18	stamped SYN00756454-477
19	Exhibit 18 Document entitled "NOA 449280 217	19	Exhibit 28 Minutes of Development 233
20	RDT & PMT Meeting", Bates	20	Committee meeting in Basel on
21	stamped GRNVL0000046196-202	21	August 6, 2003, Bates
22	Exhibit 19 Email chain, with the email at 218	22	stamped SYN00756412-435
23	the top of the first page	23	Exhibit 29 Email chain, with the email at 239
24	being from Derek Cornes to	24	the top of the page being from
25	Chen Sunmao, dated November 19,	25	Gary Dickson to Janis Mcfarland,
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1	2002, Bates stamped	1	dated September 29, 2003, Bates
2	GRNVL0000032097-099	2	stamped SYN01023334
3	Exhibit 20 Document entitled "Memory. 219	3	Exhibit 30 Minutes of Extended Development 242
4	29 October 2002", Bates stamped	4	Management Meeting, dated
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6	Exhibit 21 Syngenta document, entitled 221	6	SNY01790844-851
7	"Mesotrione Soil Persistence in	7	Exhibit 31 Minutes of Development 244
8	USA and Impact on LUMAX Launch",	8	Committee meeting in Basel on
9	Bates stamped SYN01785794-815 and	9	June 18, 2004, Bates
10	GRNVL0000033490-511	10	stamped SYN00756436-448
11	Exhibit 22 Syngenta document, entitled 222	11	Exhibit 32 Email chain, with the email at 245
12	"International Design Documents.	12	the top of the first page being
13	IDD Executive Summary. Global	13	from Janis Mcfarland to Sherry
14	Development and Registration of	14	Duval and Kay Carter, dated
15	NOA 449280 and Core Formulations	15	May 16, 2000, Bates stamped
16	in Maize", Bates stamped	16	SYN01966494-495
17	SYN02024765-773	17	Exhibit 33 Syngenta document, entitled 247
18	Exhibit 23 Syngenta document, entitled 225	18	"Guideline. CP PLCM Project
19	"International Design Documents.	19	Management Handbook. Version 1.1
20	IDD Status. Global	20	(May 2005)", Bates stamped
21	Development and Registration of	21	GRNVL0000080975-018
22	NOA 449280 and Core Formulations	22	
23	in Maize", Bates stamped	23	
24	SYN00808591-676	24	
25	Exhibit 24 Syngenta document, entitled 227	25	

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<p>1 PROCEEDINGS</p> <p>2 (8:56 a.m.)</p> <p>3 THE VIDEOGRAPHER: This is the beginning of</p> <p>4 videotape number 1, volume I. This is the video</p> <p>5 operator speaking, Phillip Hill, on behalf of Westlaw</p> <p>6 Deposition Services' San Francisco office. Today's date</p> <p>7 is October 15, 2010. The time on the video screen is</p> <p>8 08:57 Belgian time.</p> <p>9 We are at the Brussels office of McDermott</p> <p>10 Will & Emery to take the videotaped deposition of</p> <p>11 John Atkin. This is taken in the matter of City</p> <p>12 of Greenville, Illinois, et al. Versus Syngenta</p> <p>13 Corporation [sic] Protection Inc. and Syngenta AG.</p> <p>14 This is being heard in the United States District Court</p> <p>15 for the Southern District of Illinois, case number</p> <p>16 10-188-JPG.</p> <p>17 Will counsel please introduce themselves for</p> <p>18 the record and state whom they represent?</p> <p>19 MR. TILLERY: For the plaintiffs,</p> <p>20 Steve Tillery of Korein Tillery, St. Louis, Missouri.</p> <p>21 MR. CRAIG: For the plaintiffs, John Craig,</p> <p>22 also of Korein Tillery.</p> <p>23 MR. POPE: For the defendants and the witness,</p> <p>24 Michael Pope from McDermott Will & Emery in Chicago.</p> <p>25 MR. SURPRENANT: For the defendants,</p>	<p>1 Q. Could you tell me what your current job</p> <p>2 is?</p> <p>3 A. I am chief operating officer, and I work</p> <p>4 for Syngenta International AG.</p> <p>5 Q. You are chief operating officer of what?</p> <p>6 A. Crop protection. Crop protection.</p> <p>7 Q. And what does "crop protection" mean?</p> <p>8 A. It means all our chemical business, which</p> <p>9 includes the range of products that we sell worldwide.</p> <p>10 It also includes seed treatments, and that's the breadth</p> <p>11 of it.</p> <p>12 Q. Okay. And when you say "our", what do you</p> <p>13 mean by that?</p> <p>14 A. Syngenta's.</p> <p>15 Q. You're talking about the entire corporate</p> <p>16 entity?</p> <p>17 A. I am.</p> <p>18 Q. And that's under the umbrella of</p> <p>19 Syngenta AG?</p> <p>20 A. Yes.</p> <p>21 Q. Let's start off when you -- where you went</p> <p>22 to school, your background. I have your CV, but I am</p> <p>23 guessing that your CV is more than a paragraph, the one</p> <p>24 that you actually use, right?</p> <p>25 A. Yes.</p>
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<p>1 Mark Surprenant, Adams and Reese, New Orleans.</p> <p>2 MR. NADEL: Alan Nadel, Syngenta Crop</p> <p>3 Protection Inc.</p> <p>4 MR. SULLIVAN: Jonathan Sullivan, Syngenta</p> <p>5 International AG.</p> <p>6 THE VIDEOGRAPHER: The court reporter today is</p> <p>7 Ms. Judith White on behalf of Westlaw Deposition</p> <p>8 Services. Please will the court reporter swear in the</p> <p>9 witness.</p> <p>10 JOHN ATKIN,</p> <p>11 having been duly sworn,</p> <p>12 testified as follows:</p> <p>13 EXAMINATION BY MR. TILLERY:</p> <p>14 BY MR. TILLERY:</p> <p>15 Q. Would you state your name for this record,</p> <p>16 please?</p> <p>17 A. John Christopher Atkin.</p> <p>18 Q. And where do you live, sir?</p> <p>19 A. Basel, Switzerland.</p> <p>20 Q. How long have you lived there?</p> <p>21 A. Five years.</p> <p>22 Q. And prior to that time, where did you</p> <p>23 live?</p> <p>24 A. I lived in Alsace, just over the border,</p> <p>25 France.</p>	<p>1 (Exhibit 8 marked for identification.)</p> <p>2 BY MR. TILLERY:</p> <p>3 Q. So we've marked this as number 8. It's --</p> <p>4 it's a scant piece of information about your background.</p> <p>5 A. Okay.</p> <p>6 Q. We'll just stick it in this pile and talk</p> <p>7 about you and your background.</p> <p>8 A. Okay.</p> <p>9 Q. Where did you grow up?</p> <p>10 A. In Leeds, England.</p> <p>11 Q. And what was your first college that you</p> <p>12 attended after -- well, in America, we refer to it as</p> <p>13 high school, so where would you -- where would your</p> <p>14 college be after that period?</p> <p>15 A. Okay. My high school was a school called</p> <p>16 Fulneck Boys School, which is a small public school near</p> <p>17 Leeds.</p> <p>18 Q. And then college, where did you go?</p> <p>19 A. I went to Newcastle University.</p> <p>20 Q. And what did you study as your major topic</p> <p>21 of study?</p> <p>22 A. Agriculture and zoology.</p> <p>23 Q. What is that study? What does it mean?</p> <p>24 A. It was quite broad, in that the</p> <p>25 agricultural piece covered agronomy, agricultural</p>

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<p>1 economics; livestock; just everything you could think of</p> <p>2 in the world of agriculture. But the zoology piece was</p> <p>3 quite specific. It was mainly concerned with insects,</p> <p>4 pests, a very applied science, but it also covered</p> <p>5 ecology and the environment and other aspects.</p> <p>6 Q. Okay. And was that a four-year program?</p> <p>7 A. No, that was a three-year program.</p> <p>8 Q. Okay. And you graduated there?</p> <p>9 A. I did.</p> <p>10 Q. And that degree was --</p> <p>11 A. Honors degree, BSC.</p> <p>12 Q. Okay. And then what did you do?</p> <p>13 A. They invited me back to do a PhD.</p> <p>14 Q. And the PhD was in what topic?</p> <p>15 A. It was about slugs, which are a shell-less</p> <p>16 mollusc, which -- in this instance, I was studying the</p> <p>17 attack of slugs on potatoes.</p> <p>18 Q. And what was the topic area of your PhD?</p> <p>19 A. It was.</p> <p>20 Q. And how long did -- did that PhD study</p> <p>21 last?</p> <p>22 A. It lasted three years, and it took me a</p> <p>23 year to write it up.</p> <p>24 Q. Okay. And you were awarded a degree --</p> <p>25 a doctorate?</p>	<p>1 and my -- my job was in the -- in the department which</p> <p>2 was concerned with entomology, and it was advising</p> <p>3 farmers on how to protect their crops against insect</p> <p>4 pests and some non-insect pests, and it was also</p> <p>5 involved in developing new technology, new techniques,</p> <p>6 I should say, to -- to combat pests.</p> <p>7 Q. And how long did you remain in that job?</p> <p>8 A. Two years.</p> <p>9 Q. Then what did you do?</p> <p>10 A. I joined a company called May & Baker, who</p> <p>11 belonged to the Rhone-Poulenc group of companies, a</p> <p>12 French company.</p> <p>13 Q. What business were they in?</p> <p>14 A. They were in the business of researching,</p> <p>15 developing, producing and manufacturing crop protection</p> <p>16 products.</p> <p>17 Q. And where was your office located with --</p> <p>18 did you say May & Baker?</p> <p>19 A. I did.</p> <p>20 Q. All right.</p> <p>21 A. It was in a place called Ongar, which is</p> <p>22 north-east of London, and they had a research station</p> <p>23 there and that was also their headquarters at that time</p> <p>24 for people working in development. My job was in</p> <p>25 product development.</p>
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<p>1 A. I was.</p> <p>2 Q. And was that in the same topic area of</p> <p>3 agricultural zoology?</p> <p>4 A. It was specifically for the thesis that</p> <p>5 I wrote about slugs and their behavior in attacking</p> <p>6 potatoes and the difference between potato varieties.</p> <p>7 So it was a -- it was a specific thesis-driven PhD.</p> <p>8 Q. And what would the -- if -- if we were to</p> <p>9 go to the university that awarded that -- that degree,</p> <p>10 what would we find on your -- the listing for the</p> <p>11 doctorate? What would it be called?</p> <p>12 A. It would just be a -- a PhD. It doesn't</p> <p>13 have a subject title next to it.</p> <p>14 Q. But it corresponds to the dissertation</p> <p>15 topic that you --</p> <p>16 A. Exactly.</p> <p>17 Q. I see. Okay. After that, that takes us</p> <p>18 to what year on graduation after your dissertation?</p> <p>19 A. Okay. So that takes us to 1977.</p> <p>20 Q. And -- and that -- did that end your</p> <p>21 formal education?</p> <p>22 A. It did.</p> <p>23 Q. Okay. After that, what did you do?</p> <p>24 A. I got a job working for the Ministry of</p> <p>25 Agriculture, and I went to a place called Wolverhampton,</p>	<p>1 Q. What types of products were you</p> <p>2 developing?</p> <p>3 A. Oh, herbicides, we had a lot of</p> <p>4 herbicides. There were a number of very well-known</p> <p>5 products discovered at that site -- bromoxynil, ioxynil</p> <p>6 would be two, called the HBNs as a class of chemistry.</p> <p>7 We also -- we had new developments which were at the</p> <p>8 very early stage there, testing compounds which I became</p> <p>9 involved in. But also fungicides I worked with. So it</p> <p>10 was a broad-range job. But particularly herbicides,</p> <p>11 I would say.</p> <p>12 Q. Have you given a deposition before?</p> <p>13 A. Never.</p> <p>14 Q. Have you ever testified before?</p> <p>15 A. No.</p> <p>16 Q. This is your first foray into this?</p> <p>17 A. It is.</p> <p>18 Q. All right. How long did you stay at</p> <p>19 May & Baker?</p> <p>20 A. I stayed between '79 and '84.</p> <p>21 Q. Job responsibilities remain approximately</p> <p>22 the same?</p> <p>23 A. It evolved. I joined as a member of the</p> <p>24 department which was developing these products across</p> <p>25 the UK, and I left as head of the department.</p>

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<p>1 Q. And what did you do after you left 2 May & Baker? 3 A. I came here, to Brussels, to work for an 4 American corporation called FMC. 5 Q. And what was your job at FMC? 6 A. I was responsible also initially for 7 product development with a particular focus on 8 insecticides here in Europe, both east and west Europe. 9 Q. What type of insecticides were you working 10 on developing? 11 A. Primarily pyrethroid insecticides. They 12 had a new pyrethroid called bifenthrin, and that was 13 I think the main -- the main reason they brought me to 14 the company, to develop that product in Europe. 15 Q. Were you working in a laboratory? 16 A. No. No, I was working about half a 17 kilometre from here, in an office. We worked through 18 cooperators and distributors. 19 Q. How was your research conducted? 20 A. There was a research station in Princeton, 21 New Jersey, and that's where they did the -- the basic 22 research, and then the development work we did through 23 cooperators, so we would contract field trials or we 24 would work with universities or other interested parties 25 to develop the technology.</p>	<p>1 with any complaints or other issues. 2 Q. What kind of products were you selling at 3 that time? 4 A. Well, by this time, this product, 5 bifenthrin, which was called Talstar, was launched, 6 so the primary goal was to -- to sell that, but we had 7 other products too. One was called Marshall, which was 8 a carbamate insecticide, we also sold that one. And we 9 developed a herbicide called clomazone, or Command, so 10 there were three -- three products, essentially, that we 11 were involved with. 12 Q. You described a type of herbicide, and to 13 clarify for the reporter on the record, what type of 14 herbicide was it? 15 A. It was a herbicide which was used 16 particularly here in Europe on oil seed rape crops. 17 Rape crops. 18 Q. You used a term to describe it is what 19 I was -- 20 A. Oh, clomazone. Oh, excuse me. We called 21 it Command. That was its trade name at the time. 22 Q. All right. Did you sell products that 23 were comparable at any time to atrazine? 24 A. No. 25 Q. How long did you stay with FMC?</p>
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<p>1 Q. Did you deal directly with universities in 2 terms of retaining them to do research? 3 A. Occasionally, particularly in east Europe, 4 but it was more common that we worked with contract 5 organizations specialized in doing field trials. 6 Q. And what was your responsibility, or what 7 did it become at FMC? 8 A. What did it become? Oh, it became head of 9 marketing. After a couple of years in this role, 10 I became the head of sales and marketing for -- for FMC. 11 Q. In Europe? 12 A. In Europe, yes. 13 Q. And could you tell me what that job really 14 involved in terms of responsibility? 15 A. Yes. It involved positioning the product, 16 so deciding which markets they -- they go into; what the 17 price of these products should be; which customers -- 18 and in our case, these were distributors, because we 19 were a very small operation, so we worked through 20 national distributors, usually, so a selection of 21 distributors, to market these products; and then I had a 22 couple of people helping me with the logistics, the 23 provisioning of the product, the support, the -- 24 everything that's associated with putting a product on 25 the market and supplying it to customers and dealing</p>	<p>1 A. I left FMC in 1989. 2 Q. So you were there a total of how many 3 years? 4 A. Five. 5 Q. Your job title was the same when you left? 6 A. No. I came in the development capacity 7 and I left as head of the marketing and sales. 8 Q. That's what I mean: it's -- it was 9 marketing and sales director? 10 A. Yes. 11 Q. What did you do then? 12 A. I went to join Sandoz in Switzerland. 13 Q. What was your job at Sandoz? 14 A. My job was as global product manager for 15 insecticides. 16 Q. Your office in Switzerland was located 17 where? 18 A. Basel, Switzerland. 19 Q. How far from where it's currently located? 20 A. About one and a half kilometres. 21 Q. Have you been located there since the time 22 you joined Sandoz? 23 A. Oh, sorry, the office I'm in now is 24 different from the one I was in -- 25 Q. Of course, yes --</p>

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<p>1 A. -- when I was at Sandoz.</p> <p>2 Q. Yes, of course. But in that same area of</p> <p>3 Basel, have you been there since joining --</p> <p>4 A. No, when I -- I had -- I had two different</p> <p>5 assignments when I -- outside of Basel.</p> <p>6 Q. All right. We'll get to those.</p> <p>7 A. Okay.</p> <p>8 Q. All right. So your job, then, you've told</p> <p>9 me, what was the specific responsibility within that</p> <p>10 job?</p> <p>11 A. Specifically, I was charged with taking</p> <p>12 the insecticide portfolio, which was quite small, and</p> <p>13 also included a compound in the same class as the one</p> <p>14 I had been working with with FMC, pyrethroid products,</p> <p>15 but there were one or two others, and I was charged with</p> <p>16 trying to expand these products, to grow them, to</p> <p>17 position them in new markets, to develop new labels,</p> <p>18 new uses. I didn't do that myself. I worked with the</p> <p>19 development team. And to improve the business.</p> <p>20 Q. And walk me through the jobs that you had</p> <p>21 and your entire experience at Sandoz?</p> <p>22 A. So after two years, '89 through '91,</p> <p>23 in 1991 I went to Dallas, Texas, to work in a company</p> <p>24 called Zoecon, which was a Sandoz company. Zoecon was</p> <p>25 involved in the animal health business.</p>	<p>1 Q. And how long did you stay there?</p> <p>2 A. Not very long: about 18 months. At that</p> <p>3 time, the operating model changed, and the -- the</p> <p>4 products were then distributed by the Sandoz operating</p> <p>5 companies throughout the world, so the business ceased</p> <p>6 to be coordinated or led through the Zoecon operation.</p> <p>7 Q. And what did that mean for you?</p> <p>8 A. It meant that I came back to Basel and</p> <p>9 I was given the job as to be -- to be head of northern</p> <p>10 Europe.</p> <p>11 Q. Of -- what, for sales and marketing?</p> <p>12 A. Sales and marketing for the entire Sandoz</p> <p>13 product portfolio, yes, and to be responsible for the</p> <p>14 operations in those countries of northern Europe.</p> <p>15 Q. When you say "operations", what do you</p> <p>16 mean?</p> <p>17 A. Well, for example, in Germany, we had a --</p> <p>18 an affiliate there. We did in the UK. So both those</p> <p>19 countries had country offices. In Scandinavia, we just</p> <p>20 had a couple of people based in Denmark; in Belgium we</p> <p>21 had -- I think we ran that at the time out of Basel,</p> <p>22 actually, so that was different. But the two main</p> <p>23 operations were in England, the UK, and Germany.</p> <p>24 Q. And how long did you stay in that job with</p> <p>25 those responsibilities?</p>
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<p>1 Q. Would you spell that for the reporter,</p> <p>2 please?</p> <p>3 A. Z-O-E-C-O-N.</p> <p>4 Q. And what did you do there in Dallas,</p> <p>5 Texas?</p> <p>6 A. I was -- I had two roles. One was</p> <p>7 marketing for the whole of their product line. Their</p> <p>8 product line was insecticidal dog collars, against fleas</p> <p>9 and ticks; also some very new and interesting treatments</p> <p>10 for the animal itself, spray-on or shampoo-type</p> <p>11 treatments. So I had that marketing responsibility, and</p> <p>12 the line was mainly sold through veterinary --</p> <p>13 veterinary surgeons or through pet stores, and I had a</p> <p>14 responsibility also to develop the business outside of</p> <p>15 the United States, which was primarily in the UK,</p> <p>16 Australia and starting in -- in Brazil and Japan.</p> <p>17 Q. Who were you working for when you were in</p> <p>18 the United States? Who was your employer?</p> <p>19 A. Zoecon.</p> <p>20 Q. And you were paid by Zoecon?</p> <p>21 A. I was.</p> <p>22 Q. Okay. Who was you were supervisor there?</p> <p>23 A. Joe Lavin.</p> <p>24 Q. And his title?</p> <p>25 A. President.</p>	<p>1 A. I stayed there between '93 and '95, so</p> <p>2 two years.</p> <p>3 Q. Then what did you do, sir?</p> <p>4 A. I became head of France, head of the</p> <p>5 France -- the French affiliate for Sandoz.</p> <p>6 Q. Doing what in terms of responsibility?</p> <p>7 A. I was the general manager,</p> <p>8 directeur generale.</p> <p>9 Q. Was that for the -- all operations for</p> <p>10 their --</p> <p>11 A. All -- excuse me. It was for all their</p> <p>12 agrochemical operations, Sandoz Agro France it was</p> <p>13 called at the time.</p> <p>14 Q. And that included not only sales, that</p> <p>15 included all aspects of the business?</p> <p>16 A. It included all aspects of the business,</p> <p>17 yes.</p> <p>18 Q. How long did you stay in that job?</p> <p>19 A. I stayed until the creation of Novartis,</p> <p>20 which -- which happened right at the end of '96, so it</p> <p>21 was -- it was almost two years, but not quite.</p> <p>22 Q. What did you do then?</p> <p>23 A. Then I was -- I was given a role as -- as</p> <p>24 head of insecticides for the newly created Novartis</p> <p>25 company and for what they called at the time patron,</p>

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<p>1 patron for Asia, and I also had a seat on the -- on the</p> <p>2 management -- I mean, it was a multi-divisional company,</p> <p>3 but we had the equivalent of an executive committee to</p> <p>4 run the business, and I had a position on that managing</p> <p>5 board.</p> <p>6 Q. And when you say "managing board", was</p> <p>7 that Novartis International AG?</p> <p>8 A. Was that Novartis International AG?</p> <p>9 Q. Or was it Novartis AG?</p> <p>10 A. It was -- I'm not sure. It was -- it was</p> <p>11 Novartis Crop Protection that I worked for. But I --</p> <p>12 I can't give you a precise answer, excuse me.</p> <p>13 Q. Of which committee -- what the committee</p> <p>14 was attached to?</p> <p>15 A. It was Novartis crop -- it was -- I cannot</p> <p>16 be -- I cannot give you a clear answer.</p> <p>17 Q. Okay. In terms of the executive</p> <p>18 committee, was the executive committee the overriding</p> <p>19 authority for operating that -- that company?</p> <p>20 A. Well, like the executive committee as we</p> <p>21 have today, it dealt with strategic matters and it dealt</p> <p>22 with performance. It was the most senior executive</p> <p>23 group, yes.</p> <p>24 Q. That's what I'm saying, that Novartis</p> <p>25 executive committee you served on was the most senior</p>	<p>1 job?</p> <p>2 A. How long did I stay in that job?</p> <p>3 I was not much more than two years in that job, maybe</p> <p>4 not quite two years.</p> <p>5 Q. And your responsibilities in that job?</p> <p>6 A. As I mentioned, I was -- I was responsible</p> <p>7 for insecticides. They had a sort of business unit</p> <p>8 running insecticides out of Basel, and then I was patron</p> <p>9 for Asia, which was more of a coordination role for the</p> <p>10 Asian countries.</p> <p>11 Q. With the same agrochemical orientation?</p> <p>12 A. Yes, always.</p> <p>13 Q. And what did you do after -- it would be</p> <p>14 1998? Is that when the transition occurred, the next</p> <p>15 job --</p> <p>16 A. The next job --</p> <p>17 Q. -- or was it '97?</p> <p>18 A. I think that is in my CV, actually, it --</p> <p>19 in the short one. I think I moved -- yes, '98, I moved</p> <p>20 on to be head of portfolio for the -- for the whole</p> <p>21 company, portfolio management. I mean, shortly after --</p> <p>22 things moved quite quickly. Shortly after that I was</p> <p>23 named as chief operating officer and then right at the</p> <p>24 end I became CEO.</p> <p>25 Q. Okay. Let's -- if -- if we can, let's --</p>
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<p>1 group for operations?</p> <p>2 A. For the crop protection business, yes.</p> <p>3 Q. All right. Was there a higher level</p> <p>4 Novartis group?</p> <p>5 A. Oh, yes.</p> <p>6 Q. Okay. Above the crop protection?</p> <p>7 A. Sure.</p> <p>8 Q. Okay. And what was that one?</p> <p>9 A. That was the Novartis executive committee,</p> <p>10 which was for the entire company.</p> <p>11 Q. All right. And do you know who was on</p> <p>12 that committee?</p> <p>13 A. Sure.</p> <p>14 Q. Who?</p> <p>15 A. Daniel Vasella, who is -- who was at the</p> <p>16 time CEO and who is now chairman; Raymond Brau, who was</p> <p>17 CFO, recently retired. These were the two main</p> <p>18 individuals that I dealt with from time to time.</p> <p>19 Q. Would you spell their names for the</p> <p>20 reporter, please?</p> <p>21 A. Yes. Vasella, V-A-S-E-L-L-A. There may</p> <p>22 be two Ss in there. I can correct it afterwards.</p> <p>23 Daniel -- Raymond Brau. Raymond as it sounds and Brau,</p> <p>24 B-R-A-U.</p> <p>25 Q. Okay. Now, how long did you stay in that</p>	<p>1 let's back up and make sure we get all this correctly.</p> <p>2 A. Sure.</p> <p>3 Q. In 1998, you became chief operating</p> <p>4 officer?</p> <p>5 A. No, I -- I think chief operating -- yes,</p> <p>6 it could -- could I look to be -- to be precise.</p> <p>7 Q. Yes. Of course you can. Of course.</p> <p>8 A. Those dates were quite compressed. Okay.</p> <p>9 I was chief operating officer in '99, head of portfolio</p> <p>10 of management in '98, so that's --</p> <p>11 Q. What -- what were the differences in those</p> <p>12 responsibilities?</p> <p>13 A. Quite different: portfolio management was</p> <p>14 responsibility for all the Switzerland, the Basel-based,</p> <p>15 activities: product development, the global marketing</p> <p>16 activities, everything that concerned the product</p> <p>17 portfolio and the development and marketing of it from</p> <p>18 Basel, Switzerland before the products were handed over</p> <p>19 to our affiliate companies in the territories.</p> <p>20 Q. And then you -- then your next job --</p> <p>21 A. The next job, I was chief operating</p> <p>22 officer.</p> <p>23 Q. And what year was that?</p> <p>24 A. That was in 1999.</p> <p>25 Q. And what was your responsibility as</p>

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<p>1 chief operating officer?</p> <p>2 A. Well, then I -- I had a responsibility for</p> <p>3 essentially the whole crop protection operation</p> <p>4 worldwide. And then shortly after that, the reason why</p> <p>5 I wanted to refer to this, I mean, shortly -- in the</p> <p>6 same year, I was promoted to chief executive officer for</p> <p>7 the crop protection business.</p> <p>8 Q. In 1999?</p> <p>9 A. Yes, and I reported, in that capacity,</p> <p>10 to -- prior to this, I had reported to the previous CEO,</p> <p>11 whose name was Wolfgang Samo, S-A-M-O. In '99, he left</p> <p>12 and I reported to Heinz Imhof, who was head of</p> <p>13 agribusiness, so he had seeds and an over -- overarching</p> <p>14 responsibility.</p> <p>15 Q. So at the time, or the day before Syngenta</p> <p>16 was formed, what was your job title at that time?</p> <p>17 A. CEO crop protection.</p> <p>18 Q. CEO of crop protection for Novartis?</p> <p>19 A. Yes.</p> <p>20 Q. You served on the executive committee?</p> <p>21 A. I served on the executive committee that</p> <p>22 I talked to you about -- I was leading it at that time,</p> <p>23 just before the merger.</p> <p>24 Q. And I want to make sure we define which</p> <p>25 executive committee. Tell me which one that you served</p>	<p>1 A. Okay. So it was -- it had authority over</p> <p>2 all the worldwide employees in -- in crop protection;</p> <p>3 over all the different affiliate groups that existed in</p> <p>4 the different territories. It -- it led the business.</p> <p>5 Q. And would that include all the subsidiary</p> <p>6 employees?</p> <p>7 A. To the extent that that was laid out in</p> <p>8 how we operated, yes. I mean --</p> <p>9 Q. Let's put it this way: all the subsidiary</p> <p>10 crop protection employees?</p> <p>11 A. Yes. But let me be clear: I mean, those</p> <p>12 subsidiaries were set up with their own articles of</p> <p>13 incorporation, they had their own roles and</p> <p>14 responsibilities, and in the center we had ours, but to</p> <p>15 the extent that it was overall, in that context, yes.</p> <p>16 Q. And if you could tell me, was there a</p> <p>17 Novartis Crop Protection Inc. in the US at that time?</p> <p>18 A. Yes.</p> <p>19 Q. And where was it headquartered?</p> <p>20 A. Greensboro.</p> <p>21 Q. Was it in the same location that Syngenta</p> <p>22 Crop Protection Inc. is currently located?</p> <p>23 A. It was. It was.</p> <p>24 Q. Now, tell me -- we are going to walk</p> <p>25 through in a minute your responsibilities after Syngenta</p>
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<p>1 on?</p> <p>2 A. It was the one that was looking after the</p> <p>3 crop protection business worldwide.</p> <p>4 Q. And do you know by what authority that</p> <p>5 executive committee was formed?</p> <p>6 A. I don't, but it -- it was -- no, I don't.</p> <p>7 Q. Do you know by -- was it a separate legal</p> <p>8 entity, that executive committee?</p> <p>9 A. I don't -- I don't know.</p> <p>10 Q. Do you know if it -- it derived its -- its</p> <p>11 power to act through the overriding or overall</p> <p>12 corporation or from the agribusiness corporation or the</p> <p>13 source of its authority?</p> <p>14 A. My business card at the time said, if I'm</p> <p>15 not mistaken, "Novartis Crop Protection AG", so we had</p> <p>16 a -- a legal entity which covered the -- the crop</p> <p>17 protection business.</p> <p>18 Q. Do you know which of the entities it</p> <p>19 derived its authority to act?</p> <p>20 A. No.</p> <p>21 Q. Do you know, if you can tell me, what</p> <p>22 authority that particular committee had at that time?</p> <p>23 A. Yes.</p> <p>24 Q. In other words, over which groups it had</p> <p>25 authority?</p>	<p>1 was formed, up until the current time, but if you could</p> <p>2 tell me -- we'll start a new question at this time.</p> <p>3 Okay.</p> <p>4 Tell me the management differences, if you can,</p> <p>5 in terms of the structure of the organization between</p> <p>6 the Novartis structure of companies that you worked for</p> <p>7 and the evolving Syngenta group of companies?</p> <p>8 A. In what sense do you mean the question?</p> <p>9 Q. In terms of -- in terms of the management</p> <p>10 structure over the operations within the group that you</p> <p>11 worked for, the agrochemical businesses?</p> <p>12 A. So there were some similarities and some</p> <p>13 differences. In Syngenta, we operate through -- in the</p> <p>14 crop protection business we have four region heads, and</p> <p>15 that was very similar to the way we operated in -- in</p> <p>16 Novartis.</p> <p>17 Q. Would you tell me what those four region</p> <p>18 heads are?</p> <p>19 A. Yes, I will. They -- we have -- and still</p> <p>20 have -- a region head based in Singapore looking after</p> <p>21 Asia-Pacific, and we --</p> <p>22 Q. Was that the same at -- at Novartis?</p> <p>23 A. It was very similar, the difference being</p> <p>24 that in -- well, there were two legacy companies. We --</p> <p>25 we were operating out of Hong Kong at the time with one</p>

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<p>1 of the legacy companies, and we -- we brought the</p> <p>2 operations together in -- in Singapore subsequently.</p> <p>3 We operated for Novartis -- we did not have the</p> <p>4 concept of NAFTA. We operated Greensboro for the</p> <p>5 United States, and in Syngenta we have -- we have NAFTA</p> <p>6 as a -- as a region, so that's -- that's both a</p> <p>7 similarity in the sense of where it was based and a</p> <p>8 difference in the -- in the scope.</p> <p>9 Q. Did -- at that time -- I'm sorry for</p> <p>10 interrupting, but rather than waiting until the end to</p> <p>11 ask, if you don't mind.</p> <p>12 A. Mmm.</p> <p>13 Q. The operations at Novartis, in terms of</p> <p>14 North America, did Novartis Crop Protection Inc. have</p> <p>15 authority over sales in Canada and in Mexico?</p> <p>16 A. No.</p> <p>17 Q. Were there any sales in Canada and Mexico</p> <p>18 through Novartis Crop Protection Inc.?</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. Okay. Did the sales in Canada and Mexico</p> <p>21 start after the formation of Syngenta?</p> <p>22 A. There were -- there were sales in those</p> <p>23 places, but they came together after the formation of</p> <p>24 Syngenta.</p> <p>25 Q. All right. Were they being sold through</p>	<p>1 A. Currently, the president of Syngenta Crop</p> <p>2 Protection Inc. is Vern Hawkins, the head of Canada is</p> <p>3 Jay Bradshaw and the head of Mexico is Marcelo Valentin.</p> <p>4 Q. And who is the boss of the Canadian and</p> <p>5 Mexican operations? Who is that person from Greensboro?</p> <p>6 A. Oh, well, they report to Vern Hawkins.</p> <p>7 Q. They report to Hawkins?</p> <p>8 A. Yes, they do.</p> <p>9 Q. Does Hawkins have a position with either</p> <p>10 of the other companies, in Canada or Mexico? Is he</p> <p>11 employed with them?</p> <p>12 A. No. No, he is employed by -- he is</p> <p>13 employed in -- in the US.</p> <p>14 Q. And by Syngenta Crop Protection Inc.?</p> <p>15 A. Yes.</p> <p>16 Q. How is it that they report to him?</p> <p>17 A. How?</p> <p>18 MR. POPE: Excuse me, how?</p> <p>19 MR. TILLERY: Yes.</p> <p>20 MR. POPE: Object to the question.</p> <p>21 MR. TILLERY: All right. I'll withdraw the</p> <p>22 question.</p> <p>23 BY MR. TILLERY:</p> <p>24 Q. If you could explain to me how the --</p> <p>25 A. Sure.</p>
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<p>1 Novartis entities in Canada and Mexico?</p> <p>2 A. Yes. Yes.</p> <p>3 Q. And so after the formation of Syngenta,</p> <p>4 Syngenta Crop Protection Inc. -- I think the term that</p> <p>5 Mr. Maeder used was "had oversight over the Canadian and</p> <p>6 Mexican operations"?</p> <p>7 A. Yes. Yes, "oversight" is a good way of</p> <p>8 putting it. It was a kind of span breaker. In order to</p> <p>9 have manageable businesses for what was a much bigger</p> <p>10 business than either legacy company, we -- we did group</p> <p>11 Canada and Mexico in with -- with the United States, but</p> <p>12 Canada and Mexico remain independently operating</p> <p>13 affiliates.</p> <p>14 What -- I can describe to you what -- where --</p> <p>15 where there is a sharing and a consultation and a -- a</p> <p>16 cooperation with the Greensboro office, but they operate</p> <p>17 pretty independently.</p> <p>18 Q. And -- and so what then is different about</p> <p>19 the operation, then, from Novartis Crop Protection Inc.</p> <p>20 and the Canadian and Mexican operations than Syngenta</p> <p>21 Crop Protection Inc.?</p> <p>22 A. Very precisely, the -- the boss of the</p> <p>23 two gentlemen who run respectively Canada and Mexico is</p> <p>24 sitting in Greensboro, so they report to him.</p> <p>25 Q. And who is that?</p>	<p>1 Q. -- Canadian and Mexican operations,</p> <p>2 in terms of the heads of their group, report to him in</p> <p>3 terms of -- I would assume you're talking about overall</p> <p>4 efficiency of practice within the three countries and</p> <p>5 working in the context of NAFTA, I would imagine?</p> <p>6 A. Yes, that's -- that's close to being</p> <p>7 right. He operates a -- an RLT, a regional leadership</p> <p>8 team, and there are about 17 members of that team, which</p> <p>9 includes Marcelo Valentin from Mexico and Jay Bradshaw</p> <p>10 from Canada, and the regional leadership team will talk</p> <p>11 about overall strategy for NAFTA.</p> <p>12 There are many products that these businesses</p> <p>13 have in common. They have similar customers,</p> <p>14 particularly between Canada and the US, there are quite</p> <p>15 some similarities, so there are -- you know, they will</p> <p>16 talk about product strategy, they will talk about</p> <p>17 performance, business performance, they will talk about</p> <p>18 the strategic plan and action plans and what they're</p> <p>19 doing, there will be a sharing of -- of information and</p> <p>20 know-how and operational details at these regional</p> <p>21 leadership teams.</p> <p>22 Q. And do you know -- you said 17 members.</p> <p>23 A. Yes.</p> <p>24 Q. -- where these other people are from that</p> <p>25 comprise this group?</p>

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<p>1 A. Sure.</p> <p>2 Q. Where are they from?</p> <p>3 A. All the rest are from -- are based in the</p> <p>4 United States.</p> <p>5 Q. And do you know where, from which</p> <p>6 companies?</p> <p>7 A. Yes, they work for Syngenta Crop</p> <p>8 Protection Inc. and we have -- on that group, we have --</p> <p>9 we have the heads of the US business units as well, so</p> <p>10 Jim Peters from an area we call Prairie and Mountain,</p> <p>11 which -- which I think describes itself well;</p> <p>12 Tommy Jackson from -- from the north; we have</p> <p>13 Scott Langkamp, who does horticulture; and we have</p> <p>14 Michael Boden, who does the south. And so these --</p> <p>15 these are the US business units.</p> <p>16 So, therefore -- and then we have the head of</p> <p>17 marketing, who is Travis Dickinson, and then we have the</p> <p>18 head of human resources, who is Daniel Loria. We have</p> <p>19 the head of finance, who is Jason Fogden. I don't --</p> <p>20 I don't know if you want me to go through the entire --</p> <p>21 Q. Keep going. Your memory is amazing. Keep</p> <p>22 going.</p> <p>23 A. We have -- now you've thrown me off.</p> <p>24 Q. It was the only way I could stop you.</p> <p>25 A. John Riley is the head of supply chain.</p>	<p>1 A. I believe so.</p> <p>2 Q. All right. And this individual, you said,</p> <p>3 has a tie. Can you explain that to me?</p> <p>4 A. Right. So -- just a word about the</p> <p>5 overall company set-up. My responsibility is the</p> <p>6 chief operating officer for crop protection, but that's</p> <p>7 a commercial responsibility, primarily. We are a</p> <p>8 matrixed organization, so the functions have their own</p> <p>9 reporting line, so in the case of human resources, there</p> <p>10 are two -- Daniel Loria has two lines of connection,</p> <p>11 one to his global leader, functional leader, who is</p> <p>12 Caroline Luscombe, and one through the -- the operating</p> <p>13 entity in the US.</p> <p>14 Q. And that would be who at the operating</p> <p>15 entity?</p> <p>16 A. Vern Hawkins. And -- and that -- that</p> <p>17 same set-up is true for our supply chain, it is true for</p> <p>18 our finance operation. It is true -- it is the way we</p> <p>19 operate the functions and the businesses.</p> <p>20 Q. When you say "for the supply chain", who</p> <p>21 would that be in the supply chain?</p> <p>22 A. So that's John Riley, so --</p> <p>23 Q. And who would -- who would he respond to</p> <p>24 on a global basis?</p> <p>25 A. Mark Peacock.</p>
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<p>1 And we have a legal counsel on there, and I'm -- I'm not</p> <p>2 going to recall -- it used to be Vince Alventosa, but it</p> <p>3 isn't anymore.</p> <p>4 Q. Who are these people working for? I mean,</p> <p>5 do they -- if you could talk to me about where they come</p> <p>6 from in terms of their orientation or their specific</p> <p>7 link to a company in the Syngenta group?</p> <p>8 MR. POPE: You mean who are they employed by?</p> <p>9 MR. TILLERY: Yes.</p> <p>10 THE WITNESS: Well, I -- they're employed by</p> <p>11 Syngenta Crop Protection Inc., but the way -- some of</p> <p>12 them -- the functional people, for example, the head</p> <p>13 of -- of HR, he has quite a strong link to his --</p> <p>14 the global head of HR in Basel, whose name is</p> <p>15 Caroline Luscombe.</p> <p>16 BY MR. TILLERY:</p> <p>17 Q. And that person, the HR head, is -- is who</p> <p>18 in the US?</p> <p>19 A. Daniel Loria.</p> <p>20 Q. Okay. And that's a man?</p> <p>21 A. It is a man.</p> <p>22 Q. And this gentleman is employed by</p> <p>23 Syngenta Crop Protection Inc.?</p> <p>24 A. (Witness nods head.)</p> <p>25 Q. And -- is that correct, sir?</p>	<p>1 Q. And he is in Basel?</p> <p>2 A. He is.</p> <p>3 Q. And how would he -- explain to me how that</p> <p>4 communication would take place?</p> <p>5 A. Well, let's -- well, we can use the -- use</p> <p>6 the atrazine example. I mean, the St. Gabriel</p> <p>7 manufacturing plant serves our global atrazine demand,</p> <p>8 so the scheduling of what that plant does and the whole</p> <p>9 provisioning of orders from around the world is</p> <p>10 coordinated globally. It has to be. And so he would --</p> <p>11 he would be talking to Mark Peacock and Mark Peacock's</p> <p>12 colleagues in Basel about that. That would be one</p> <p>13 example of how it works.</p> <p>14 When it comes to packed product, we have</p> <p>15 550 stock-keeping units in the United States. When it</p> <p>16 comes to local packed products, then he would -- he</p> <p>17 would manage that with -- in the context of the US, with</p> <p>18 little reference outside.</p> <p>19 Q. What -- when you say "packed product",</p> <p>20 what do you mean?</p> <p>21 A. I mean it's -- it's a formulation in a --</p> <p>22 in a jug or a bottle, or if it's a dry product, in a</p> <p>23 packet. There may be similar formulations in different</p> <p>24 sized packets.</p> <p>25 So we have 250 products. "Products" I would</p>

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<p>1 describe as being specific formulations. But when</p> <p>2 you -- when you look at them in their packed form, that</p> <p>3 translates into around 550, so about double.</p> <p>4 Q. And when you say 550, that's 550 different</p> <p>5 products?</p> <p>6 A. 550 -- well, they've got -- they are in</p> <p>7 different package sizes to meet different market needs.</p> <p>8 I would say that -- there are 250 different products, so</p> <p>9 formulations with different uses. The multiplier is to</p> <p>10 do with the pack size.</p> <p>11 Q. And how is it that when you're -- you --</p> <p>12 you mentioned -- and I'm just trying to understand a</p> <p>13 little better the Saint Gabriel location, and then how</p> <p>14 the coordination would take place in terms of more of a</p> <p>15 global connection with that operation. Explain that to</p> <p>16 me?</p> <p>17 A. Sure. So they -- they have a process</p> <p>18 which is well defined about active ingredient planning,</p> <p>19 production planning, and what happens is all the</p> <p>20 operating units have their S&OP processes, standard</p> <p>21 processes, for planning the demand, and these demands</p> <p>22 are all collected up globally and then relayed to the --</p> <p>23 to the supply chain in -- in the United States.</p> <p>24 So they are then in a position to -- to plan</p> <p>25 the production of atrazine: you know, when it -- when</p>	<p>1 of that distribution?</p> <p>2 A. At the very highest level, Mark Peacock's</p> <p>3 leadership team will -- will discuss the demand and the</p> <p>4 plant capacity and the occupation. Sometimes if it's</p> <p>5 over capacity we have to buy it on the outside market.</p> <p>6 Q. Is that market primarily in China now?</p> <p>7 A. Yes.</p> <p>8 Q. All right.</p> <p>9 A. So --</p> <p>10 Q. I'm sorry for interrupting you. Go ahead.</p> <p>11 A. But not uniquely. If we ever have do it,</p> <p>12 and we haven't done it recently. But the -- the --</p> <p>13 I should correct myself: it's -- for this particular</p> <p>14 molecule, it isn't primarily China, it is not, when we</p> <p>15 buy -- if we have to buy on the -- on the -- on -- from</p> <p>16 others. It's not on this particular. Most, it is.</p> <p>17 So they would -- they would look at that.</p> <p>18 We also have a -- a global S&OP process where I chair,</p> <p>19 so we also would look at that with some of the marketing</p> <p>20 and business people around the table. But at a more</p> <p>21 detailed level, there are active ingredient planners who</p> <p>22 are working one level below, and they would communicate</p> <p>23 this to their opposite numbers in the United States and</p> <p>24 the -- the thing would get produced.</p> <p>25 Q. And when you say "S&OP", is that -- what</p>
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<p>1 it's needed for Australia, when it's needed for the US,</p> <p>2 when it's needed for -- for Latin America, and that's</p> <p>3 how it works.</p> <p>4 Q. And how does that communication take place</p> <p>5 between the global needs and the production? How does</p> <p>6 that work?</p> <p>7 A. Well, at the highest level, Mark Peacock,</p> <p>8 who is head of global supply, he has his -- his own</p> <p>9 leadership team, on which John Riley will sit. So at</p> <p>10 the highest level, he has a planning vehicle for that --</p> <p>11 that to take place.</p> <p>12 Q. And when -- so whoever -- Peacock or</p> <p>13 people working with Peacock's office -- he's in Basel;</p> <p>14 correct?</p> <p>15 A. Right.</p> <p>16 Q. Do they coordinate the global distribution</p> <p>17 then?</p> <p>18 A. Yes, yes.</p> <p>19 Q. And how -- when -- if it's needed. And we</p> <p>20 haven't finished our discussion of all of these</p> <p>21 four different groups, okay, but -- when we got into</p> <p>22 this topic, but let's say more or less is needed in</p> <p>23 different parts of the world from the St. Gabriel</p> <p>24 production location. Explain to me how that</p> <p>25 communication would take place back to America in terms</p>	<p>1 does that stand for?</p> <p>2 A. The global -- this is the -- I think it's</p> <p>3 better that I describe what it is. It's the process by</p> <p>4 which demand and supply comes together.</p> <p>5 Q. All right.</p> <p>6 A. It's just a planning process where we</p> <p>7 discuss demand and we discuss supply and we try and</p> <p>8 align them. That's all it is.</p> <p>9 Q. Okay. When you said these people who are</p> <p>10 one step below, are they below Mr. Peacock?</p> <p>11 A. They are.</p> <p>12 Q. All right. Are they in Basel?</p> <p>13 A. Most of them are, yes.</p> <p>14 Q. All right. And they would be working</p> <p>15 in -- from which company?</p> <p>16 A. They would -- they would almost</p> <p>17 certainly -- I say "almost certainly" because I don't</p> <p>18 have the absolute proof in -- or data in my head, but</p> <p>19 Syngenta Crop Protection AG.</p> <p>20 Q. All right. And under Mr. Peacock's</p> <p>21 direction?</p> <p>22 A. Yes.</p> <p>23 Q. And he's an employee of Syngenta Crop</p> <p>24 Protection AG?</p> <p>25 A. No, he's my colleague on the executive</p>

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<p>1 committee, so he's -- he's Syngenta International AG.</p> <p>2 Q. All right. And do you know who would be</p> <p>3 their boss at Syngenta Crop Protection AG?</p> <p>4 A. Okay. If they're not reporting directly</p> <p>5 to Mark Peacock, I don't, off the top of my head.</p> <p>6 I'd have to reflect on that.</p> <p>7 Q. All right. And, anyway, these people</p> <p>8 then, as you say, make this recommendation.</p> <p>9 A. Mmm.</p> <p>10 Q. And they have now made a determination as</p> <p>11 to where the atrazine goes.</p> <p>12 A. Yes.</p> <p>13 Q. What happens at that point? How is it</p> <p>14 communicated?</p> <p>15 A. It would be communicated back through the</p> <p>16 United States planning process. In the United States,</p> <p>17 they have their own process, so they would receive the</p> <p>18 international demand and they would then factor that in</p> <p>19 to the running of the St. Gabriel operation, and they</p> <p>20 would -- they would do the detailed scheduling of</p> <p>21 production themselves.</p> <p>22 Q. And who would that be? When you say</p> <p>23 "they would do that in America", who would that be?</p> <p>24 A. Well, that would be all over John Riley,</p> <p>25 who is looking after that whole thing, and of course we</p>	<p>1 Q. All right. Now, where we -- I think where</p> <p>2 my mind takes us back to, and I -- I didn't want to</p> <p>3 interrupt where you were going in your discussion in</p> <p>4 explaining it to me, but it goes back to the 17-person</p> <p>5 NAFTA group.</p> <p>6 A. Yes.</p> <p>7 Q. That -- is there -- is there a head of</p> <p>8 that group?</p> <p>9 A. Vern Hawkins.</p> <p>10 Q. All right. And does he have a title for</p> <p>11 that group?</p> <p>12 A. Well, he's president of -- of</p> <p>13 Crop Protection Inc. and in that -- he's head of the --</p> <p>14 head of the region.</p> <p>15 Q. Head of the NAFTA region?</p> <p>16 A. That's what we call him, yes.</p> <p>17 Q. All right. And do you know what his</p> <p>18 responsibility as head of that region would be?</p> <p>19 A. Yes, in broad terms. I mean, he's</p> <p>20 responsible for the -- I mean, we have a global</p> <p>21 strategy, which I could describe to you, but he's</p> <p>22 responsible for -- our global strategy is a framework,</p> <p>23 nothing more, nothing less, and he -- he is responsible</p> <p>24 for developing a local strategy in line with Syngenta</p> <p>25 framework and standards, and to expand our business,</p>
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<p>1 have a plant head and -- and some planners in the</p> <p>2 United States, whose names I don't know.</p> <p>3 Q. And who is John Riley?</p> <p>4 A. He is the head of global supply for NAFTA.</p> <p>5 Q. And by whom is he directly employed?</p> <p>6 A. Syngenta Crop Protection Inc.</p> <p>7 Q. And where is his office?</p> <p>8 A. Greensboro.</p> <p>9 Q. And -- and what would the head of global</p> <p>10 supply for NAFTA mean?</p> <p>11 A. It would mean he -- we have -- our</p> <p>12 business in -- in -- in NAFTA in 2009 was around</p> <p>13 \$2.5 billion, so his responsibility is to provide the</p> <p>14 products on time to the customers to satisfy that</p> <p>15 \$2.5 billion business.</p> <p>16 Q. For -- and when you said for -- is that in</p> <p>17 the NAFTA region?</p> <p>18 A. NAFTA region, yes.</p> <p>19 Q. 2.5 billion is from the NAFTA region?</p> <p>20 A. Yes. There was 1.9 billion was the</p> <p>21 United States, and the rest was Canada and Mexico.</p> <p>22 Q. Okay. How much of that is atrazine?</p> <p>23 A. How much of that is atrazine? About --</p> <p>24 atrazine and atrazine-containing products, about</p> <p>25 350 million.</p>	<p>1 to grow it, to improve profitability, to increase market</p> <p>2 share, and market share is one of our biggest measures,</p> <p>3 most important measures, and in fact that -- you know,</p> <p>4 profitably grow market share is -- is, if you like,</p> <p>5 shorthand for what he -- he does.</p> <p>6 He also has an important responsibility when it</p> <p>7 comes to public affairs. He works -- he works with</p> <p>8 stakeholders in the United States to build the Syngenta</p> <p>9 brand.</p> <p>10 Q. In terms of his NAFTA responsibilities,</p> <p>11 or as head of that group, of the NAFTA group, of which</p> <p>12 I think you said the heads of Canada and Mexico were</p> <p>13 members --</p> <p>14 A. They are.</p> <p>15 Q. -- what is his job in terms of that -- and</p> <p>16 you called that 17-person board or something, you called</p> <p>17 the name -- I don't remember the name.</p> <p>18 A. Regional leadership team.</p> <p>19 Q. Regional leadership team. What is</p> <p>20 his responsibility as head of the regional leadership</p> <p>21 team?</p> <p>22 A. He is driving and monitoring performance</p> <p>23 of the business; corrective action, where necessary;</p> <p>24 he is leading the creation and the adaptation of</p> <p>25 strategy; he is leading the succession planning</p>

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<p>1 discussion, everything concerned with human resources, 2 how we -- we deal and manage people is brought together 3 in that group; they discuss things also such as 4 remuneration, pay, we're now in the process of 5 discussing pay rises around the world, that would be a 6 topic that they would discuss. 7 Q. And he would have that over the NAFTA 8 region? 9 A. He would discuss that -- he would -- yes. 10 Yes, he would -- well, yes, he would discuss it, but 11 that doesn't mean to say that they don't have those 12 discussions for Canada -- for Canada and Mexico. 13 Q. I understand that. 14 A. Yes. 15 Q. But, I mean, in terms of the NAFTA region, 16 he would be at least given in this committee, as 17 regional head, the oversight or control over that 18 region, the NAFTA region? 19 A. Yes. 20 Q. Now, how long has that organization been 21 established? 22 A. The RLT? 23 Q. Yes. 24 A. We've had RLTs -- and that's a 25 particularly large one, but we have them in all the</p>	<p>1 is because the -- while the video can see you nodding, 2 the reporter has to note it on the record. 3 A. Okay. 4 Q. All right. So now, if you can, walk me 5 through, then, how the same type of thing would work in 6 the other three regions that you've identified? 7 A. At a high level, it's quite simple, 8 because if we -- if we go south to -- to Latin America, 9 we're based in San Paulo, and there we have also a 10 regional leadership team, and Antonio Carlos Guimaraes 11 is the head of -- head of our region down there. 12 Q. And what would the region be comprised of 13 in terms of Syngenta affiliates or subsidiaries? 14 A. In terms of Syngenta affiliates or 15 subsidiaries? I will not be able to describe to you in 16 detail the names of the affiliates that we have down 17 there -- 18 Q. All right. 19 A. -- the legal entity names, but I can tell 20 you how we are organized down there. 21 Q. All right. Can you tell me how many of 22 them there are down there? 23 A. How many affiliates there are? 24 Q. Yes. 25 A. No, because I don't know how many country</p>
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<p>1 regions and we've had them since the company was 2 created, or within a very short time of the creation of 3 the company. 4 Q. Now, by what authority does he derive the 5 power as head of this regional group? 6 A. By what authority? Well, he is -- he is 7 chairman of the Crop Protection Inc. board, on which 8 I also sit. 9 Q. Okay. And the -- and so he is -- when you 10 say "Crop Protection Inc. board" -- 11 A. Mmm. 12 Q. -- where is that company located? 13 A. In Greensboro. 14 Q. Okay. I'm sorry Syngenta Crop 15 Protection Inc.? 16 A. Excuse me. 17 Q. I had a -- I had a mental block. 18 A. Excuse me. Yeah. Yeah. 19 Q. Okay. So he derives that through his -- 20 his role as president of -- of Syngenta Crop 21 Protection Inc.; correct? 22 A. (Witness nods head.) 23 Q. You have to say "yes" or "no", I'm sorry? 24 A. Yes. I -- yes. 25 Q. What I'm saying is -- the reason I say it</p>	<p>1 affiliates there are down there. 2 Q. Are there several? 3 A. There will be several, yes. 4 Q. All right. And where are they located, 5 in what countries? 6 A. Argentina, Chile, Colombia, Brazil, and 7 probably in one or two of the other Latin America north 8 countries -- 9 Q. And -- 10 A. -- Guatemala, for example. 11 Q. And are those -- are they each separate 12 corporate entities in each country? 13 A. I believe -- for example, Colombia, 14 I believe it would have its own legal entity -- it has 15 its own -- it has its own legal entity. I just can't 16 tell you the name of it. 17 Q. And I understand that, sir. I'm not 18 trying to -- you're doing -- your recollection of these 19 is fine. I'm not suggesting it isn't. I'm just 20 saying -- I'm just trying to get my mind around the 21 organization. 22 A. Okay. 23 Q. With -- as best you know, knowing that 24 there may be one that straddles two countries or 25 something, would most of them have a separate entity for</p>

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<p>1 each country?</p> <p>2 A. Yes, mostly.</p> <p>3 Q. All right. Now -- and then tell me how</p> <p>4 that would work, then?</p> <p>5 A. So it's quite similar. Antonio Carlos</p> <p>6 Guimaraes would -- would have his regional leadership</p> <p>7 team, and we've actually split that region as follows:</p> <p>8 we have Latin America south, which -- which is</p> <p>9 headquartered in Buenos Aires, and that brings in Chile,</p> <p>10 Uruguay, Paraguay, Bolivia and Argentina together; and</p> <p>11 then we have -- we have Brazil, which is Brazil; and</p> <p>12 then we have what we call ACC, which is Andean --</p> <p>13 Andean -- Central America and Colombia, Colombia and</p> <p>14 Central America, which includes all -- almost all the</p> <p>15 countries I haven't mentioned as far north as Mexico, it</p> <p>16 stops at the Mexican border. So Colombia, Guatemala,</p> <p>17 all the Caribbean, Venezuela, right up to -- to the</p> <p>18 Mexican border.</p> <p>19 Q. And do -- does the product atrazine get</p> <p>20 sold in those entities?</p> <p>21 A. In many of them, yeah, it does.</p> <p>22 Q. All right. Then tell me how this</p> <p>23 individual -- and I'm not going to try to pronounce his</p> <p>24 name -- that you -- you've described, how he works in</p> <p>25 terms of that regional area?</p>	<p>1 A. I'm not sure.</p> <p>2 Q. Okay. Do you know how he derives his</p> <p>3 authority to act as head of the leadership team for</p> <p>4 South America?</p> <p>5 A. In the legal entity sense, no.</p> <p>6 Q. Who does he report to after he acts and</p> <p>7 runs the leadership team? I assume he has authority</p> <p>8 over that whole area in South America --</p> <p>9 A. He has authority --</p> <p>10 MR. POPE: Objection. Objection to what</p> <p>11 "authority" means.</p> <p>12 THE WITNESS: Yes.</p> <p>13 MR. POPE: You've used "coordination", you've</p> <p>14 used "control", you've used certain terms.</p> <p>15 MR. TILLERY: That's fine. I'll withdraw it.</p> <p>16 BY MR. TILLERY:</p> <p>17 Q. What -- what do you think of in terms of</p> <p>18 his relationship with these other entities?</p> <p>19 A. I think of him as providing the strategic</p> <p>20 leadership to these other entities, to helping --</p> <p>21 to helping -- and not -- there's a big coaching.</p> <p>22 I mean, he's a very -- he's the senior guy, he helps</p> <p>23 coach some of the younger leaders on how -- on -- to</p> <p>24 improve their -- their performance.</p> <p>25 He is monitoring performance, he's -- he's</p>
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<p>1 A. How he works?</p> <p>2 Q. How he runs it or how the operation works,</p> <p>3 in terms of a leadership team.</p> <p>4 A. Okay. Well, we talked a lot about the</p> <p>5 leadership team, but of course it's much more than that.</p> <p>6 I mean, he -- he would travel regularly to these places</p> <p>7 and meet with customers, meet with the operating -- and</p> <p>8 country leadership teams that exist in these places.</p> <p>9 He would -- he would -- in his regional</p> <p>10 leadership team and outside it, he would discuss</p> <p>11 strategy, he would discuss product portfolio, he would</p> <p>12 discuss ideas about how we could segment the market,</p> <p>13 new innovations that we have, either developed through</p> <p>14 Basel or developed locally.</p> <p>15 Q. And which company does he work for?</p> <p>16 A. Brazil. The Brazilian company.</p> <p>17 Q. Does he work for any of these other</p> <p>18 companies?</p> <p>19 A. I don't believe so.</p> <p>20 Q. All right. And do you know what his title</p> <p>21 is at the Brazilian subsidiary?</p> <p>22 A. No. No, I don't know exactly what his</p> <p>23 title is, no.</p> <p>24 Q. Do you know if he is the head of that</p> <p>25 Brazilian entity or is he in a leadership role there?</p>	<p>1 looking at the income statements, are we spending too</p> <p>2 much, have we invested -- he gets investment proposals,</p> <p>3 acquisitions. We're in the process of -- of acquiring a</p> <p>4 business in Latin America south, and he's very much</p> <p>5 involved in that.</p> <p>6 Q. Well, and who would -- who would be</p> <p>7 acquiring that business? Who would actually buy it?</p> <p>8 A. Who would -- who is buying -- buying it?</p> <p>9 From a legal entity standpoint, I have to say I'm not</p> <p>10 sure.</p> <p>11 Q. And when you say he's assisting the other</p> <p>12 leaders, would that be the other leaders of the other</p> <p>13 entities?</p> <p>14 A. The other leaders --</p> <p>15 Q. Of the other -- of the other subsidiaries</p> <p>16 in South America?</p> <p>17 A. Yes, correct.</p> <p>18 Q. And would -- who would be in charge there</p> <p>19 of coordinating the distribution in Latin America?</p> <p>20 A. The -- the physical distribution of the</p> <p>21 products?</p> <p>22 Q. Yes.</p> <p>23 A. Okay. So he would have his -- there is a</p> <p>24 head of global supply also in San Paulo, very much in</p> <p>25 the way I described to you the Greensboro set-up, and it</p>

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<p>1 would operate in a very similar way.</p> <p>2 Q. And that would be a person who would do</p> <p>3 what with respect to all of those entities?</p> <p>4 A. It's very similar to the way I described</p> <p>5 John Riley's role. We do have a very large formulation</p> <p>6 facility in Paulinia, which is in the state of</p> <p>7 San Paulo, and that is supplying product throughout</p> <p>8 Latin America, and so, you know, the big task for him is</p> <p>9 to -- he's not concerned in this instance with exporting</p> <p>10 product outside Latin America -- Latin America. He is</p> <p>11 very much concerned with provisioning our customers</p> <p>12 throughout the Latin American region.</p> <p>13 Q. And who would he work for, the person in</p> <p>14 terms of global supply from South America? Who would --</p> <p>15 A. So it's exactly the same as the set-up</p> <p>16 with John Riley: he works -- he works for both Antonio</p> <p>17 Carlos Guimaraes, who is the business lead, and the head</p> <p>18 of global supply, who is Mark Peacock.</p> <p>19 Q. And his assignment is in Brazil?</p> <p>20 A. His -- his assignment is in Brazil, yes.</p> <p>21 Q. Okay. Now, we've talked about NAFTA</p> <p>22 region and the South American region. There are</p> <p>23 two other regions.</p> <p>24 A. There are.</p> <p>25 Q. Could you walk me through those, please?</p>	<p>1 leadership team work for, directly?</p> <p>2 A. He reports to me.</p> <p>3 Q. And is he in Basel?</p> <p>4 A. He is.</p> <p>5 Q. And how many different legal entities are</p> <p>6 within his -- within the umbrella of his leadership</p> <p>7 team?</p> <p>8 A. A great number. I mean, we have them in</p> <p>9 France, Germany, Italy, Spain, Bulgaria recently set up.</p> <p>10 Everywhere.</p> <p>11 Q. And are these all separate legal entities,</p> <p>12 as far as you know?</p> <p>13 A. I believe so.</p> <p>14 Q. And without going through all of the same</p> <p>15 questions we went through for NAFTA and</p> <p>16 South America/Latin America, would the organization be</p> <p>17 the same in terms of his -- his management of that</p> <p>18 leadership team and responsibility, as well as the</p> <p>19 coordination of global supply within that group?</p> <p>20 A. It has a lot of similarities, yes.</p> <p>21 Q. Are there any -- if there are any</p> <p>22 differences, tell me?</p> <p>23 A. Well, we didn't go into all detail on</p> <p>24 this, but of the information I've given you, I think</p> <p>25 it's -- it's pretty similar.</p>
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<p>1 A. Europe is headquartered in Basel, and</p> <p>2 that encompasses -- it's Europe, Africa, Middle East, so</p> <p>3 it encompasses -- well, I think it's fairly descriptive:</p> <p>4 it's everything, Europe east and west, Africa, the</p> <p>5 Middle East and all of -- all of Russia and the CIS.</p> <p>6 Q. And how is that operated?</p> <p>7 A. Again, we have a regional leadership team.</p> <p>8 The head of the whole region is called Jon Parr, with</p> <p>9 two Rs, and he -- he leads his leadership team and he --</p> <p>10 he is doing a similar role to that of Antonio Carlos</p> <p>11 Guimaraes and -- and Vern Hawkins.</p> <p>12 Q. And that would include -- well, we don't</p> <p>13 really need to go back over all of this and ask the same</p> <p>14 questions. It would be -- is there any notable</p> <p>15 difference in terms of his authority or his -- or his --</p> <p>16 his operation, or use any word you want to describe what</p> <p>17 he's doing, that's up to you?</p> <p>18 A. I -- I don't think there is much of a</p> <p>19 difference, except that that is our biggest region, so</p> <p>20 it is bigger than the others, it's more -- more diverse</p> <p>21 than the others because it encompasses Africa and -- and</p> <p>22 Russia, but apart from that, it's -- you know, it's --</p> <p>23 it's strategy, it's performance, it's new businesses,</p> <p>24 it's investment proposals and --</p> <p>25 Q. And who does this leader -- head of the</p>	<p>1 Q. Okay. About the Pan-Asian?</p> <p>2 A. Well, we head that -- we headquarter that</p> <p>3 out of Singapore, and it's run by an Australian called</p> <p>4 Andrew Guthrie, and he has his regional leadership team.</p> <p>5 Of course his region is extremely diverse, from Japan in</p> <p>6 the north to New Zealand in the south and China in the</p> <p>7 -- in the west, China and India, and Pakistan is the</p> <p>8 western boundary. And, again, he -- he runs it in a --</p> <p>9 in a similar way.</p> <p>10 I should perhaps have pointed out that -- I did</p> <p>11 tell you that Latin America was split up: Latin America</p> <p>12 south, ACC and Brazil. In Europe, we have eastern</p> <p>13 Europe as a -- you know, we have an area head who</p> <p>14 reports to Jon Parr who runs the whole of eastern</p> <p>15 Europe, and we have one man running Africa/Middle East</p> <p>16 who reports to him. So we have -- we have grouping of</p> <p>17 countries. And, equally, we do in -- in Asia. We -- we</p> <p>18 group south-east Asian countries, for example.</p> <p>19 Q. And how do they -- where do the group</p> <p>20 leaders -- where do they work?</p> <p>21 A. In -- in the case of Europe, in Basel;</p> <p>22 in the case of Asia, in Singapore.</p> <p>23 Q. And would they -- in Asia -- in Singapore,</p> <p>24 would they work for one of the subsidiary entities?</p> <p>25 A. If they're based in Singapore, I believe</p>

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<p>1 they would work for our -- of which I'm a board</p> <p>2 member -- our Asia-Pacific Pte Singapore listed --</p> <p>3 registered company.</p> <p>4 Q. And do you know the name of that company?</p> <p>5 A. Asia-Pacific Pte, I think, I believe, but</p> <p>6 I can correct that after the break.</p> <p>7 Q. If you can. It's not -- that's -- that's</p> <p>8 okay. In terms of that particular entity, what role</p> <p>9 does it have in terms of leadership in the Asian area?</p> <p>10 A. As an entity, it is an entity which houses</p> <p>11 the people who work there.</p> <p>12 Q. I see. So it's -- really, we're talking</p> <p>13 about the people, then. And the person or people that</p> <p>14 come from there are just the leadership team leader or</p> <p>15 head from that company?</p> <p>16 A. Yes, yes.</p> <p>17 Q. And what is his name?</p> <p>18 A. Andrew Guthrie.</p> <p>19 Q. All right. And does his responsibility</p> <p>20 parallel that of the other leadership team members, like</p> <p>21 Mr. Hawkins that we talked about earlier?</p> <p>22 A. Yes, it's similar. Yes, it's similar.</p> <p>23 Q. And -- and how would he -- how many</p> <p>24 different corporate entities would exist that would be</p> <p>25 sort of under that leadership team?</p>	<p>1 And we also have manufacturing out there.</p> <p>2 In Goa, India, we have active ingredient manufacturing.</p> <p>3 In China we manufacture active ingredients, we have</p> <p>4 formulation plants. It's quite a complex supply chain</p> <p>5 role that he has.</p> <p>6 Q. Well, that's one of the things I was going</p> <p>7 to ask you: how do you coordinate the -- this need in</p> <p>8 Asia, this in Europe and NAFTA and South America? How</p> <p>9 does this all work? Explain it to me?</p> <p>10 A. Well, at a very high level, that's the</p> <p>11 reason why we have a strong supply chain function which</p> <p>12 is globally coordinated, for exactly that reason,</p> <p>13 because it is -- so the planning -- that's -- the</p> <p>14 planning is centralized.</p> <p>15 Every operating unit has its own planning</p> <p>16 process that we talked about before, and that comes</p> <p>17 together at a global -- in a global planning process,</p> <p>18 and it -- it works reasonably well.</p> <p>19 We're never fully satisfied with it, but it</p> <p>20 works reasonably well. So it's a combination of local</p> <p>21 planning and global planning, but of course with,</p> <p>22 you know, the benefits of modern computing and</p> <p>23 communication, we can do that reasonably well.</p> <p>24 Q. And is there a head of -- of global</p> <p>25 supply, then, in Basel that oversees all of this?</p>
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<p>1 A. Well, we have legal entities in -- in</p> <p>2 all -- all those countries, in all those countries.</p> <p>3 Q. As far as you know, it is a separate legal</p> <p>4 entity in each one of the countries?</p> <p>5 A. As far as I know, apart from ones where</p> <p>6 we -- you know, in places like Cambodia, you know, we do</p> <p>7 it as an export business. But apart from that, yes.</p> <p>8 Q. In terms of global supply or supply needs,</p> <p>9 is there a person who does the same sort of thing there</p> <p>10 as in NAFTA?</p> <p>11 A. There is.</p> <p>12 Q. Who is that person, do you know?</p> <p>13 A. We've just changed him. He has just --</p> <p>14 the previous incumbent has moved to Basel, and I cannot</p> <p>15 recall the name of his replacement.</p> <p>16 Q. And what would that person's job be? What</p> <p>17 would they do in that responsibility?</p> <p>18 A. Well, in the case of -- of Asia, there's</p> <p>19 quite a big logistic task. We -- we have a lot of</p> <p>20 product for ease of distribution that comes through</p> <p>21 Singapore before going on to all the customers</p> <p>22 throughout the region, so his task is -- is quite a</p> <p>23 complex logistic task of making sure we get all these</p> <p>24 different products in all these different markets on</p> <p>25 time.</p>	<p>1 A. Yes, Mark Peacock, yes.</p> <p>2 Q. And he is -- he is the head of monitoring</p> <p>3 the needs throughout the -- the corporate entity</p> <p>4 throughout the world?</p> <p>5 A. Ultimately, and -- and he and I, on this</p> <p>6 global team, will sit together with representatives from</p> <p>7 the regions quite frequently and -- and discuss some of</p> <p>8 the issues that are resulting from this rather complex</p> <p>9 set-up.</p> <p>10 Q. And in terms of some of the other issues</p> <p>11 you talked about, in terms of human -- well, let's just</p> <p>12 pick human resources. How do human resources work in</p> <p>13 terms of your specific operation in the agrochemical</p> <p>14 business of Syngenta?</p> <p>15 A. Okay.</p> <p>16 Q. In the terms of needs of people, and,</p> <p>17 actually, if you could speak to how it works in terms of</p> <p>18 moving one person to another. I talked about that</p> <p>19 yesterday with Mr. Maeder, but I'd like to see, in terms</p> <p>20 of your specific business, how that works?</p> <p>21 A. Okay.</p> <p>22 MR. POPE: Should he focus on that last</p> <p>23 question, as opposed to --</p> <p>24 MR. TILLERY: If you want me to withdraw it,</p> <p>25 Mike, I will.</p>

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<p>1 MR. POPE: No, just so he is clear.</p> <p>2 Dr. Atkin, you are being asked about simply</p> <p>3 moving people from place to place.</p> <p>4 BY MR. TILLERY:</p> <p>5 Q. Why don't we start with that, and if -- if</p> <p>6 you want me to rephrase the question, I'll be happy to</p> <p>7 do that.</p> <p>8 A. Okay.</p> <p>9 Q. All right.</p> <p>10 A. Well, we have a succession planning</p> <p>11 process, so every -- every operating unit, you know,</p> <p>12 that starts in a country will have identified talents,</p> <p>13 people who -- who are capable of being promoted and</p> <p>14 moved, and this will be discussed at the regional level</p> <p>15 and then it will come together at the global level, and</p> <p>16 so we'll have a -- a globally coordinated list and --</p> <p>17 and plan against -- against each of the senior jobs:</p> <p>18 who could replace this man or this lady if they left or</p> <p>19 if they were promoted in turn. So we -- we -- it is</p> <p>20 bottom up, it's driven bottom up, but we have -- for the</p> <p>21 more -- for the most senior jobs, we have -- I have this</p> <p>22 visible at my level.</p> <p>23 Q. One of the things I talked to Mr. Maeder</p> <p>24 about, was discussed, was a talent review, this sort of</p> <p>25 thing. Are you part of that group as well?</p>	<p>1 and Vern Hawkins was in the succession plan, so he was</p> <p>2 the proposal of the -- of the board, Syngenta Crop</p> <p>3 Protection Inc. He was already in the plan, and -- and</p> <p>4 his name came forward on this principle of one over one.</p> <p>5 Q. What does that mean? I saw that in some</p> <p>6 of the documents: one over one?</p> <p>7 A. Yeah, well, he reports to me, so the idea</p> <p>8 is that I wouldn't just go away -- go ahead and nominate</p> <p>9 him to that role without consulting my boss, who is the</p> <p>10 chief -- chief executive operator.</p> <p>11 Q. And who is that?</p> <p>12 A. Mike Mack. Officer. Mike Mack is the</p> <p>13 chief executive officer. So that's -- that's the way it</p> <p>14 works. So that's -- that's a good example of what</p> <p>15 happens.</p> <p>16 Q. And did that happen with respect to</p> <p>17 Mr. Hawkins?</p> <p>18 A. It did, exactly that way.</p> <p>19 Q. Now, I think we've covered the</p> <p>20 four different groups. We were talking about --</p> <p>21 what led us down all of this discussion was an initial</p> <p>22 question about the comparison of Novartis AG and the</p> <p>23 operations there with Syngenta AG's facilities --</p> <p>24 facilities and operations, and you were trying to</p> <p>25 describe, I think, the differences.</p>
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<p>1 A. Very much so, yes.</p> <p>2 Q. How does that work?</p> <p>3 A. Well, first of all, we have a specific</p> <p>4 meeting. We haven't talked about my crop protection</p> <p>5 leadership team at a global level, but we have a</p> <p>6 specific meeting, which is most of the people who are in</p> <p>7 that crop protection leadership team, to discuss the</p> <p>8 talent.</p> <p>9 So we will sit and -- we will sit and -- and</p> <p>10 look at sometimes individual names, sometimes the shape</p> <p>11 of it, have we -- you know, do we have enough people in</p> <p>12 our pipeline or should we -- you know, should we be</p> <p>13 hiring more, and, you know, what sort of people should</p> <p>14 we be hiring. So we do discuss it at the more senior</p> <p>15 level, yes.</p> <p>16 Q. And how does it work in terms of</p> <p>17 identifying a particular person? For example, a need</p> <p>18 arises at Syngenta Crop Protection Inc. for a particular</p> <p>19 type of person. How does your talent review end up with</p> <p>20 selecting somebody that would be a good fit for a</p> <p>21 particular company?</p> <p>22 A. Okay. Well, that arose one year ago when</p> <p>23 the head of -- when the head of -- the president of</p> <p>24 crop -- Syngenta Crop Protection Inc. resigned one year</p> <p>25 ago. We looked at the talent list and succession plan,</p>	<p>1 Could you tell me, in terms of the overall</p> <p>2 differences, you described that NAFTA was different, we</p> <p>3 talked about that. What else do you see in terms of</p> <p>4 operational distinction between Novartis and Syngenta?</p> <p>5 A. It would take a long time to do. There</p> <p>6 are --</p> <p>7 Q. Are there a lot of them?</p> <p>8 A. There are a lot of differences.</p> <p>9 I don't -- there are a lot of differences that have real</p> <p>10 business meaning, whether you would call them all</p> <p>11 operational, but, you know, the strategy that we deploy,</p> <p>12 the way we work with public affairs, which we never did</p> <p>13 very -- I mean, we're a public company now. We were</p> <p>14 part of a multi-divisional company before.</p> <p>15 I mean, you -- you know, there are so many</p> <p>16 striking differences in the way we -- the way we operate</p> <p>17 that -- I don't know which particular bit you'd like to</p> <p>18 talk about.</p> <p>19 Q. And I don't mean to -- I don't think it</p> <p>20 would be helpful to go through the business differences,</p> <p>21 because that's not, you know, really what we're talking</p> <p>22 about.</p> <p>23 In terms of, let's just say, operational</p> <p>24 management, I mean, let's narrow that question down to</p> <p>25 the management structure of the company versus the</p>

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<p>1 business decisions that you make and the way you -- the</p> <p>2 way you run your -- in other words, the way you go after</p> <p>3 business or market share or anything else. Let's just</p> <p>4 talk about the operational systems in terms of the</p> <p>5 set-up or hierarchy of responsibility. How is it</p> <p>6 different between Novartis and Syngenta?</p> <p>7 A. We have a much more developed matrix</p> <p>8 system in Syngenta than we did in -- in -- either in</p> <p>9 Novartis or in the Zeneca legacy company. That would</p> <p>10 be, I think, if you were to compare the two, and we're</p> <p>11 talking ten years ago here, so maybe my memory will not</p> <p>12 be as good as it should be, but we have a stronger and a</p> <p>13 more clearly defined matrix system and --</p> <p>14 Q. What does that -- what does that mean, if</p> <p>15 you don't mind, a matrix system?</p> <p>16 A. It means that we have heads of functions,</p> <p>17 like Mark Peacock, who has a responsibility to ensure</p> <p>18 that people sitting in the regions and the territories</p> <p>19 are coordinating their activities globally, as opposed</p> <p>20 to the local operating unit having total management</p> <p>21 control of all aspects of that supply chain and not</p> <p>22 having it coordinated very strongly globally. That's a</p> <p>23 difference.</p> <p>24 Q. Does that result in economies, in terms of</p> <p>25 operational economies?</p>	<p>1 because its customers are global.</p> <p>2 Q. Well, let's now go back to the transition</p> <p>3 date that we talked about, in terms of you starting at</p> <p>4 your job with Syngenta, and when Syngenta was formed,</p> <p>5 what was your title and responsibility?</p> <p>6 A. Chief operating officer for the crop</p> <p>7 protection division.</p> <p>8 Q. And by whom were you directly employed?</p> <p>9 A. By Syngenta International AG.</p> <p>10 Q. And what was the group -- was there a</p> <p>11 separate entity over which you had responsibility, a</p> <p>12 separate legal entity?</p> <p>13 A. Well, I was on the board of -- I was on --</p> <p>14 I was -- I was put on, or I -- I was invited to</p> <p>15 participate -- I became on the board of crop -- Syngenta</p> <p>16 Crop Protection AG, and I was already on the boards of</p> <p>17 two of the legacy organizations, the Crop</p> <p>18 Protection Inc. organization and the -- the one in</p> <p>19 Asia-Pacific.</p> <p>20 Q. And the Syngenta Crop Protection AG</p> <p>21 entity, is that in Basel?</p> <p>22 A. Yes.</p> <p>23 Q. And who also is on that board?</p> <p>24 A. John Ramsay and Christoph Maeder.</p> <p>25 Q. Did it have any subsidiaries?</p>
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<p>1 A. Yes. Yes.</p> <p>2 Q. Does it streamline and make the overall</p> <p>3 Syngenta AG and its affiliated companies more efficient?</p> <p>4 A. It does.</p> <p>5 Q. How -- explain that to me?</p> <p>6 A. Well, because it's enabled -- I mean,</p> <p>7 one -- one of the things we did when we created the</p> <p>8 company and we needed to do was -- one of the reasons it</p> <p>9 was created was to be more efficient.</p> <p>10 We -- you know, the two individual businesses</p> <p>11 wouldn't have been viable to be public companies on</p> <p>12 their own. So, you know, we shared 3,000 jobs, we</p> <p>13 had -- we had to do that. Quite a few of those were in</p> <p>14 the manufacturing area. We didn't need all the -- the</p> <p>15 formulation plants we had, we didn't need all the</p> <p>16 facilities that we ran, and so we were able to create a</p> <p>17 much more efficient global supply chain.</p> <p>18 I would -- I would, though, like to draw a</p> <p>19 distinction between what is global and what is local.</p> <p>20 What I'm talking about is what is genuinely global.</p> <p>21 To the extent that there is a local formulation facility</p> <p>22 like we have in Omaha in the United States, that will</p> <p>23 serve local needs and be managed locally, with a very,</p> <p>24 very light touch globally, but the atrazine plant in</p> <p>25 St. Gabriel is very strongly coordinated globally</p>	<p>1 MR. POPE: Do you mean at the time of the</p> <p>2 merger or do you mean now?</p> <p>3 BY MR. TILLERY:</p> <p>4 Q. You can expand that question. He raises a</p> <p>5 good point. At any time from -- from the time of the</p> <p>6 merger, its creation, up until now, did Syngenta Crop</p> <p>7 Protection AG have any subsidiaries?</p> <p>8 A. I don't think I can answer your question</p> <p>9 accurately.</p> <p>10 Q. What I'm looking for is to know if it is a</p> <p>11 company which has any direct line to any of the crop</p> <p>12 protection companies. Do you know that one way or</p> <p>13 another?</p> <p>14 A. It's in the word "direct" -- the phrase</p> <p>15 "direct line", but I'm --</p> <p>16 Q. And if it -- and if it's indirect, that's</p> <p>17 fine as well.</p> <p>18 MR. POPE: Objection to the form of the</p> <p>19 question.</p> <p>20 THE WITNESS: I believe it -- I believe it</p> <p>21 must have direct and indirect lines, but I can't</p> <p>22 describe them all to you. It's quite complicated.</p> <p>23 BY MR. TILLERY:</p> <p>24 Q. Do you know what the relationship is</p> <p>25 between Syngenta Crop Protection AG and Syngenta Crop</p>

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<p>1 Protection Inc. in the United States?</p> <p>2 A. No.</p> <p>3 Q. Now, you were talking about all of these</p> <p>4 coordinated efforts of the -- the activities of these</p> <p>5 different entities, and streamlining and making it more</p> <p>6 efficient. How do you share information in terms of any</p> <p>7 research for any of the products that you sell?</p> <p>8 A. There are -- there are two principal ways.</p> <p>9 The R&D community have a development committee. They</p> <p>10 have a global development committee and there are</p> <p>11 development committees in all the regions and some of</p> <p>12 the -- some of the affiliate country companies, so that</p> <p>13 there are committees where all of these things are</p> <p>14 reviewed: new compounds, we have a stage plan, so if</p> <p>15 something is in stage 2, which is just before -- stage 3</p> <p>16 is the big development investment. If it's in stage 2,</p> <p>17 then it would be communicated to operating -- to the</p> <p>18 regional development committees and they would discuss</p> <p>19 what they had to do with preparation for it to be</p> <p>20 promoted to stage 3, and of course whether it's in</p> <p>21 stage 1, 2 or 3, it's debated in the Basel global</p> <p>22 development committee.</p> <p>23 Q. And if you wouldn't mind, walk me through</p> <p>24 how a new product in that context would find its way</p> <p>25 onto the market in the -- in Syngenta today, how this</p>	<p>1 discovery work ongoing.</p> <p>2 Q. And what -- and what do these three -- are</p> <p>3 these laboratories?</p> <p>4 A. Yes.</p> <p>5 Q. Scientific?</p> <p>6 A. Yes.</p> <p>7 Q. And the Stein location --</p> <p>8 A. Yes.</p> <p>9 Q. -- who runs the Stein location?</p> <p>10 A. Martin Clough.</p> <p>11 Q. And by whom is he employed?</p> <p>12 A. He -- well, he is head of our crop</p> <p>13 protection research overall, actually.</p> <p>14 By whom is he employed? He is probably in</p> <p>15 crop protection -- oh, no, he may not -- he may be</p> <p>16 international also, he may be international. I can't --</p> <p>17 it's one or the other.</p> <p>18 Q. Okay. He would be one or the other,</p> <p>19 international -- or what was the other one?</p> <p>20 A. Crop Protection AG.</p> <p>21 Q. Crop Protection AG?</p> <p>22 A. Or International AG.</p> <p>23 Q. Or International AG. Okay. And do you</p> <p>24 know what his responsibility is?</p> <p>25 A. Global responsibility for crop protection</p>
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<p>1 process would take place?</p> <p>2 MR. POPE: This would be a hypothetical</p> <p>3 product?</p> <p>4 BY MR. TILLERY:</p> <p>5 Q. It is. And if you want to pick one,</p> <p>6 I don't care, it is up to you. Otherwise, I'll just use</p> <p>7 a hypothetical product. But if you want to pick a</p> <p>8 particular one for the purposes of explaining it, fine;</p> <p>9 if not, just do a hypothetical?</p> <p>10 A. If it's ours from the start, and bear in</p> <p>11 mind that we do license-in products.</p> <p>12 Q. I understand.</p> <p>13 A. If it's ours from the start, then it would</p> <p>14 be discovered in one of three places: either Stein,</p> <p>15 which is our research station near Basel.</p> <p>16 Q. Would you spell that, please? Stein?</p> <p>17 A. Yes, Stein?</p> <p>18 Q. Okay. Stein. I'm sorry, I didn't</p> <p>19 understand.</p> <p>20 A. Stein or Jealott's Hill, which is --</p> <p>21 Jealott's Hill specializes in herbicides, Stein</p> <p>22 specializes in fungicides and insecticides. So it will</p> <p>23 be discovered -- the chances are, it would be discovered</p> <p>24 in -- in one of those two places, although we do have a</p> <p>25 small unit in Goa, India, where there are -- there is</p>	<p>1 research.</p> <p>2 Q. And would that be for all three of the</p> <p>3 laboratories?</p> <p>4 A. Yes.</p> <p>5 Q. And would you mind spelling his name</p> <p>6 again?</p> <p>7 A. Clough, C-L-O-U-G-H.</p> <p>8 Q. Okay.</p> <p>9 A. Martin. And so if we discover a molecule,</p> <p>10 it will either -- either be discovered by serendipity,</p> <p>11 random screening; more likely, it will be a -- it will</p> <p>12 be a product of having understood the literature and</p> <p>13 the -- the whole patent estate that is already in the</p> <p>14 public domain or visible to us and found clever ways of</p> <p>15 improving on it.</p> <p>16 So, you know, you can do a lot of modeling</p> <p>17 to -- to figure out what would a better compound look</p> <p>18 like.</p> <p>19 So once we have -- once we have a compound,</p> <p>20 generally we wouldn't settle on exactly what this</p> <p>21 compound would be in the very early stage, but once</p> <p>22 we've found it, it then goes through preliminary</p> <p>23 testing, and we're able to -- to screen it against most</p> <p>24 weeds, pest and diseases that are of economic importance</p> <p>25 worldwide, and we can do that screening in Stein or in</p>

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<p>1 Jealott's Hill. These are the two principal places 2 where this screening -- these are the two places where 3 this screening would occur. 4 Q. And -- now once, then, there's been a -- 5 do any of these -- strike that question. 6 Do any of the subsidiaries have laboratories 7 themselves? 8 A. They do. We have a small laboratory in 9 Greensboro. 10 Q. And what does the -- what is the purpose 11 or function of that laboratory? 12 A. It's to support -- it's principally to 13 support the local business in matters such as analysis 14 and -- analytical methods and -- and other things which 15 pertain to -- to work which is required in the 16 United States, but it's not -- it's only a small unit 17 and it's -- it's nothing -- it doesn't have a role in 18 this first phase of -- of product. 19 Q. It's not a product development laboratory? 20 A. Not -- not really. It's a support 21 laboratory. 22 Q. Would it be like a compliance laboratory? 23 A. You could call it that. It's closely 24 linked to the registration requirements of the 25 United States.</p>	<p>1 control the major weeds -- in corn, for example, in 2 corn. Is it -- is it going to be suitable as a corn 3 herbicide? And once we've -- once we've established -- 4 there are two very distinct phases. The first phase is 5 under cover. So we do it in greenhouses. And this is 6 extremely -- you need special permits to test compounds 7 of relatively unknown toxicology in -- in all parts of 8 the world wherever you want to do it, but we've got 9 these special permits in the UK and Switzerland to do 10 this, and so these are sealed systems that are -- they 11 are handled in very special ways because we don't know 12 the toxicology. 13 And then the next phase is they are permitted, 14 and there's a process behind that, to be used in small 15 plots outside, and then, as we -- as we move -- to make 16 it quick, we -- we move through all that phase into 17 large-scale field trials and experimental use permits 18 and then regulatory dossiers, and it takes seven years 19 before it shows up on the market. 20 Q. And when it shows up on the market, then, 21 is it made available to all the subsidiaries? 22 A. Is it made available? 23 MR. POPE: You mean the product, you're 24 talking about? 25 BY MR. TILLERY:</p>
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<p>1 Q. I understand. And are there -- do many of 2 the other subsidiaries around the world have 3 laboratories? 4 A. Well, this one, Goa, in India, is -- is 5 part of the Indian -- broader Indian operation. 6 Q. Does it have an actual scientific base 7 crew that's developing molecules? 8 A. It has -- in -- in Goa? 9 Q. Yes. 10 A. There's a -- there's a team that we've 11 developed out there that are involved in the discovery 12 process. I can't give you much more detail than that. 13 Q. All right. Now, in terms of these 14 three -- 15 A. Yes. 16 Q. -- Jealott's Hill -- 17 A. Yep. 18 Q. That would be more relevant in terms of -- 19 of herbicides, I guess. 20 A. Yes. 21 Q. Walk me through, then, how this happens? 22 One of them is identified, the -- the scientific 23 analysis is undertaken, and then -- 24 A. And then we test it -- we test it. We -- 25 we make sure -- I mean, it's got to work. So does it</p>	<p>1 Q. The product. 2 A. Yeah. Through these development 3 committees, and indeed through our -- our marketing 4 coordination, we ascertain where this product will fit, 5 and that's part of the process. 6 We -- we don't -- it costs \$200 million from -- 7 roughly from test tube to packed product to get it 8 there. So we don't engage in the -- the majority of 9 that \$200 million spend until we have reasonable 10 certainty that it will be suitable for a reasonably 11 large market. 12 So that involves consultation processes with 13 the regions and with the affiliates in different 14 territories, and that consultation process happens at 15 the development level and it happens at the marketing 16 level. 17 Q. Now, Jealott's Hill is how big of an 18 operation? 19 A. Quite big. I can't tell you exactly how 20 many people work there, but it is -- it is quite big. 21 Q. And who pays for that operation? 22 A. It's -- it's -- okay. At the highest 23 level, it's consolidated in our group income statement. 24 It -- it shows up in the Crop Protection income 25 statement in my division and --</p>

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<p>1 Q. Under Crop Protection AG or crop -- or</p> <p>2 International or do you know where it is located in the</p> <p>3 operation?</p> <p>4 A. Okay. I don't.</p> <p>5 Q. Okay. It's not being paid for by a</p> <p>6 subsidiary, I presume?</p> <p>7 A. No.</p> <p>8 Q. And --</p> <p>9 A. That's why I hesitate. It's not --</p> <p>10 it's not associated with our local business in the UK.</p> <p>11 It operates quite separately from our local business in</p> <p>12 the UK --</p> <p>13 Q. And --</p> <p>14 A. -- but we have a UK holding company.</p> <p>15 Q. Right. And is the same true with respect</p> <p>16 to Stein?</p> <p>17 A. Stein -- the cost of Stein does not show</p> <p>18 up in our income statement for our Swiss Crop Protection</p> <p>19 business; it does not.</p> <p>20 Q. And so it is, again, under the -- the</p> <p>21 International operation?</p> <p>22 A. I believe so.</p> <p>23 Q. But you don't know which of the entities</p> <p>24 it -- is paying for it?</p> <p>25 A. I don't know.</p>	<p>1 Q. Yes, access. Let me -- let me withdraw</p> <p>2 that poorly worded question.</p> <p>3 Mike does a good job of correcting my questions</p> <p>4 and helping me improve my record.</p> <p>5 MR. POPE: All I seek is clarity.</p> <p>6 BY MR. TILLERY:</p> <p>7 Q. Could you explain to me the access that a</p> <p>8 subsidiary entity's employees would have to</p> <p>9 Jealott's Hill or Stein, please?</p> <p>10 A. There are two levels. They -- most of</p> <p>11 these entities will take customers to these locations at</p> <p>12 times which suit them, so we -- we often host</p> <p>13 delegations from Italy. I mean, there was one recently</p> <p>14 who came to Stein from Italy, for example. I had one</p> <p>15 come from Venezuela to Stein also quite recently. That</p> <p>16 is to show and to demonstrate to customers, and indeed</p> <p>17 our local employees, the process of -- of product</p> <p>18 research and development, which I have described to you,</p> <p>19 and to show them how much we are investing in their</p> <p>20 business, essentially.</p> <p>21 So we -- we use these sites to -- to both</p> <p>22 educate and to -- and to demonstrate to customers,</p> <p>23 you know, "This is a company you should do business with</p> <p>24 because we are -- we're serious and we're innovative</p> <p>25 and, you know, we're market leaders, and here is why".</p>
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<p>1 Q. And, likewise, in terms of the employees</p> <p>2 who run Stein, do you know who they are connected to</p> <p>3 within the corporate structure of Syngenta?</p> <p>4 A. I believe -- I don't know this, but I --</p> <p>5 I think it should be Crop Protection AG, but that may</p> <p>6 not be correct.</p> <p>7 Q. And you mentioned another unit in India</p> <p>8 called Goa?</p> <p>9 A. Goa, G-O-A.</p> <p>10 Q. Goa, I'm sorry, sir. Do you know who they</p> <p>11 are connected to or who they are paid by? Actually,</p> <p>12 both questions.</p> <p>13 A. The likelihood there is that it's part of</p> <p>14 the Indian affiliate, in that -- in that instance.</p> <p>15 Q. Because it's a smaller unit?</p> <p>16 A. Because it's a smaller unit and the --</p> <p>17 it's associated with the manufacturing plant, and that</p> <p>18 is part of the Indian unit.</p> <p>19 Q. What availability, in terms of research,</p> <p>20 do the affiliated or subsidiary companies have in terms</p> <p>21 of Jealott's Hill or Stein?</p> <p>22 MR. POPE: Availability?</p> <p>23 MR. TILLERY: Yes.</p> <p>24 THE WITNESS: Access?</p> <p>25 BY MR. TILLERY:</p>	<p>1 Q. And would -- in terms of just the</p> <p>2 scientific testing facilities, would subsidiary</p> <p>3 companies have access to the scientific testing or</p> <p>4 laboratory needs of Jealott's Hill?</p> <p>5 A. They would walk around in protective</p> <p>6 clothing and they would see everything that I described</p> <p>7 to you going on, but we would not be presenting to them</p> <p>8 all the confidential product leads that still had not</p> <p>9 come into --</p> <p>10 Q. Of course.</p> <p>11 A. -- full-scale development.</p> <p>12 Q. Of course. Would -- would they -- if they</p> <p>13 needed some testing done at Jealott's Hill, would they</p> <p>14 be able to send samples to have them tested at</p> <p>15 Jealott's Hill?</p> <p>16 MR. POPE: "They" being the customers?</p> <p>17 BY MR. TILLERY:</p> <p>18 Q. And "they" are the people who work for one</p> <p>19 of the subsidiary companies of Syngenta?</p> <p>20 MR. POPE: So you're not talking about</p> <p>21 customers, you're talking about employees.</p> <p>22 BY MR. TILLERY:</p> <p>23 Q. Absolutely. I'm talking about employees.</p> <p>24 A. It's hard to imagine that they would have</p> <p>25 that occasion to do that, but it actually has happened</p>

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<p>1 that -- for example, through university contacts in</p> <p>2 Brazil, we have come across something very interesting</p> <p>3 and why wouldn't we test that? Would we test that in</p> <p>4 our facilities? Yes. And we do that under a</p> <p>5 confidential disclosure agreement, non-disclosure</p> <p>6 agreement, and -- and, yeah, that -- that does happen.</p> <p>7 It does happen.</p> <p>8 Q. All right. And when -- when intellectual</p> <p>9 property rights are established through molecule</p> <p>10 development, how are they retained within the umbrella</p> <p>11 of agrochemical businesses of Syngenta?</p> <p>12 A. Who owns the IP?</p> <p>13 Q. Yes.</p> <p>14 A. I can't give you a complete answer to that</p> <p>15 question. It's owned by different legal entities, but</p> <p>16 it -- it's -- I mean, that is -- that is done -- I'm not</p> <p>17 determining who owns the IP. It does not come into my</p> <p>18 area of responsibility.</p> <p>19 Q. All right. Now, in terms of -- in terms</p> <p>20 of deciding the specific products, and let's just pick</p> <p>21 the Latin America area, okay, and I say Latin or</p> <p>22 southern, South America, that area that you talked about</p> <p>23 under the leadership team that comes out of Brazil. How</p> <p>24 is it determined that a particular product will be</p> <p>25 marketed within that South American region?</p>	<p>1 Q. Right.</p> <p>2 A. It has to work -- it has to work locally</p> <p>3 and it has to be an opportunity for them. But if that's</p> <p>4 the case, if we don't have a product that fits in the</p> <p>5 United States and it doesn't fit in Brazil, you're</p> <p>6 really getting to the point where is it worth it, so</p> <p>7 those are our number 1 and number 2 markets worldwide,</p> <p>8 and we look for most of our technology to have</p> <p>9 applications in the United States and Brazil.</p> <p>10 Q. Well, if -- how do you coordinate the</p> <p>11 specific needs of a market area and how do you make a</p> <p>12 decision about that, allocating product to those needs?</p> <p>13 MR. POPE: Excuse me, Steve, are you now still</p> <p>14 talk about new products doing developed?</p> <p>15 MR. TILLERY: No.</p> <p>16 MR. POPE: Are you talking about -- you have</p> <p>17 now gone back to the basic supply chain? Okay.</p> <p>18 MR. TILLERY: Yeah, any product.</p> <p>19 MR. POPE: Just to be clear.</p> <p>20 THE WITNESS: Well, it happens from a very</p> <p>21 early -- early stage, because the crops that Brazil</p> <p>22 wants to market products on are in our screen, so we</p> <p>23 have them in Stein and we have them in Jealott's Hill.</p> <p>24 So from the very early stage, we have a preliminary view</p> <p>25 as to whether these things could -- could -- could fit.</p>
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<p>1 A. (a) because they want it.</p> <p>2 Q. Who wants it?</p> <p>3 A. The local affiliate, the local entity,</p> <p>4 want it. They need to be -- once they have been exposed</p> <p>5 to it, they will test it and they will say, "The data</p> <p>6 are such. We think there's a great opportunity here",</p> <p>7 and we'll debate how big that opportunity is and --</p> <p>8 you can't -- you know, it's -- there's nothing more</p> <p>9 local than agriculture, if I can say.</p> <p>10 I mean, we have millions of farmer customers</p> <p>11 around the world. This is a very local and complex</p> <p>12 business, and we rely on local people to understand</p> <p>13 what's going on and to say, "This has a fit".</p> <p>14 So when they do that -- I mean, that is the</p> <p>15 single biggest and most important element to this.</p> <p>16 Q. Namely, that there is a market for the</p> <p>17 product?</p> <p>18 A. Right, which they determine.</p> <p>19 Q. And so if you're selling -- if you're</p> <p>20 seeking -- if you have on your product list things that</p> <p>21 don't apply to products that they have in a particular</p> <p>22 country in South America, it would be silly to try to</p> <p>23 sell it there?</p> <p>24 A. It would, and we wouldn't try and suggest</p> <p>25 that they do.</p>	<p>1 And then, as we go through the testing program,</p> <p>2 they get to test it, we bring it together at our</p> <p>3 management team globally, our CP leadership team that we</p> <p>4 haven't talked about, the -- the development committee</p> <p>5 in the territories and in -- and globally, you know,</p> <p>6 shares information on it and -- and -- then we get --</p> <p>7 there are two big decision points, one is promotion to</p> <p>8 stage 3, and at that point, we need the market</p> <p>9 opportunity well defined and the technical profile</p> <p>10 defined sufficiently. That's -- that's a big -- that's</p> <p>11 a big milestone.</p> <p>12 And the second big milestone is going from</p> <p>13 stage 3 to stage 4. Stage 4 is selling. So we need to</p> <p>14 decide, "Yep, the testing is done, this product is fit</p> <p>15 for sale".</p> <p>16 BY MR. TILLERY:</p> <p>17 Q. Hold on one second. Okay. Let's take</p> <p>18 five minutes and then I want to -- what I'm going to do</p> <p>19 is go back to your last answer and just flesh out some</p> <p>20 of these points.</p> <p>21 A. Okay. Thank you.</p> <p>22 THE VIDEOGRAPHER: Going off the record. The</p> <p>23 time is 10:33 -- microphone.</p> <p>24 End of tape 1, volume I of the videotaped</p> <p>25 deposition of John Atkin.</p>

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<p>1 (10:33 a.m.)</p> <p>2 (Break taken.)</p> <p>3 (10:53 a.m.)</p> <p>4 THE VIDEOGRAPHER: Here begins videotape</p> <p>5 number 2, volume I in the videotaped deposition of</p> <p>6 John Atkin. Going on the record. The time is 10:53.</p> <p>7 Thank you.</p> <p>8 BY MR. TILLERY:</p> <p>9 Q. We talked a little bit about the use of</p> <p>10 the laboratories at Jealott's Hill. How is information</p> <p>11 that is learned in one part of the world about a product</p> <p>12 conveyed to other parts of the world in a way that could</p> <p>13 help other members of the subsidiary -- subsidiary</p> <p>14 groups benefit from that knowledge?</p> <p>15 A. They develop a database which is shared</p> <p>16 between people who -- who are part of the development</p> <p>17 process, so whether it's toxicology or efficacy data,</p> <p>18 then reports are generated and these reports are able to</p> <p>19 be shared, and that's how the scientific community</p> <p>20 within the company gets informed, for the most part,</p> <p>21 initially, initially.</p> <p>22 Q. And is there a particular center of the</p> <p>23 scientific analysis in the community -- in the company?</p> <p>24 A. There are -- well, yes. I mean, we have</p> <p>25 toxicologists and we have a head of toxicology, for</p>	<p>1 me how he would be contacted. Where is he located?</p> <p>2 A. He's in Basel.</p> <p>3 Q. Okay. And for whom does he work directly?</p> <p>4 A. He reports -- I'm -- I believe he now</p> <p>5 reports to Sandro Aruffo. Sandro Aruffo is our head of</p> <p>6 global R&D. That's who he reports to.</p> <p>7 The reason I hesitated slightly is that we</p> <p>8 recently combined all toxicology aspects, whether they</p> <p>9 be seeds or crop protection, and he has that role and,</p> <p>10 therefore, he reports to our head of R&D, global head of</p> <p>11 R&D.</p> <p>12 Q. Has he just recently moved into that role?</p> <p>13 A. He fairly recently moved into it, yes.</p> <p>14 Q. And did he move to Basel?</p> <p>15 A. He did. He was in the United States</p> <p>16 before, although he is Swiss.</p> <p>17 Q. And what was his job before he moved into</p> <p>18 his current position?</p> <p>19 A. He was responsible for all matters</p> <p>20 toxicological and data preparation, although he wasn't a</p> <p>21 regulator, in the United States. He was doing a -- a</p> <p>22 toxicologist-type role, but just for the United States.</p> <p>23 Q. Was it just for the United States or was</p> <p>24 it for NAFTA?</p> <p>25 A. Yes, I believe he also was involved with</p>
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<p>1 example, and he is -- he is the company's senior man on</p> <p>2 all matters toxicological.</p> <p>3 Q. And who is that?</p> <p>4 A. Peter Hertl, H-E-R-T-L.</p> <p>5 Q. And what were his -- when you say he deals</p> <p>6 with all toxicological issues, how would they be</p> <p>7 presented to him?</p> <p>8 A. Two -- two ways. One, first of all, in</p> <p>9 the study design. I mean, there are -- I don't know how</p> <p>10 many people are involved. There are toxicologists in</p> <p>11 the company in different locations. But studies are</p> <p>12 designed. He would be aware and involved in the most</p> <p>13 important of those studies, and -- and then when the</p> <p>14 studies are reported, he would have access to the data,</p> <p>15 and those data would be shared with the regulatory</p> <p>16 community to support petitions for registrations around</p> <p>17 the world.</p> <p>18 Q. And how would -- does he have a committee</p> <p>19 or does he work by himself or how does he work as a</p> <p>20 toxicologist?</p> <p>21 A. No, he has a -- a team around him, and</p> <p>22 I've never been part of his leadership team, so I -- I'm</p> <p>23 not sure how -- exactly how he operates it, but he has a</p> <p>24 team of scientists with whom he works.</p> <p>25 Q. And does he work -- let me -- explain to</p>	<p>1 Canada and Mexico.</p> <p>2 Q. All right. And -- and now he is in charge</p> <p>3 of toxicology for the entire umbrella of companies?</p> <p>4 A. Yes.</p> <p>5 Q. And what issues would be presented to</p> <p>6 Mr. Hertl to -- for analysis from a toxicological</p> <p>7 standpoint? I guess all issues would be presented to</p> <p>8 him?</p> <p>9 A. Yeah. I mean, you know, his role is as</p> <p>10 much to do with how the work is designed and planned as</p> <p>11 it is to deal with the output of the work. So he has</p> <p>12 those two -- two responsibilities.</p> <p>13 Q. Do you know who he is employed by?</p> <p>14 A. I don't know. I don't know, no.</p> <p>15 Q. Is -- is his office physically located in</p> <p>16 Basel?</p> <p>17 A. I believe so, because -- I haven't visited</p> <p>18 him in his Basel office, but I believe so.</p> <p>19 Q. The person that you indicated is his</p> <p>20 supervisor, who does that person work for?</p> <p>21 A. He reports directly to the CEO,</p> <p>22 Michael Mack.</p> <p>23 Q. Mr. Hertl does?</p> <p>24 A. No, Mr. Hertl reports to Sandro Aruffo,</p> <p>25 who reports to Mike Mack.</p>

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<p>1 Q. Where does Mr. Aruffo work?</p> <p>2 A. In Basel.</p> <p>3 Q. And do you know which company?</p> <p>4 A. International. Syngenta International AG,</p> <p>5 I believe.</p> <p>6 Q. Now, in terms of the information -- as you</p> <p>7 said, we were talking about sharing information. If a</p> <p>8 study is done that impacts a product in one part of the</p> <p>9 world, how is that information transferred to other</p> <p>10 people who are involved with that same product?</p> <p>11 A. Through the sharing of documentation that</p> <p>12 I referred to, through the discussion of all matters,</p> <p>13 development in these -- these development committees,</p> <p>14 which happen centrally and in the -- the regions, and</p> <p>15 also because we -- we have a -- an obligation to submit</p> <p>16 data, whether it's generated in -- wherever it's</p> <p>17 generated in the world, to authorities who are concerned</p> <p>18 with our product, so we have -- we are under an</p> <p>19 obligation to submit all data that may be relevant.</p> <p>20 Q. Is there a central store -- storage area</p> <p>21 for -- for documents or information of a scientific</p> <p>22 nature relating to Syngenta products?</p> <p>23 A. There is. We recently -- correction.</p> <p>24 We -- most of our archiving is now electronic,</p> <p>25 I believe, although we also have physical documentation.</p>	<p>1 A. Yes.</p> <p>2 Q. There are no restrictions that you're</p> <p>3 aware of that would prevent them from getting other than</p> <p>4 limitations within their field of -- of work?</p> <p>5 A. Other than limitations within their field</p> <p>6 of work and the stage which the data is at. Interim</p> <p>7 data wouldn't routinely be shared.</p> <p>8 Q. What do you mean by that, sir?</p> <p>9 A. Well -- and I'm not a toxicologist, but</p> <p>10 I do know that they -- they take interim data on a -- on</p> <p>11 a study which is -- is perhaps of two years in duration.</p> <p>12 These interim data may not be shared because they're not</p> <p>13 final data, and it's -- it's not necessary and useful</p> <p>14 for others to see it.</p> <p>15 Q. Wouldn't it also be the fact that some of</p> <p>16 that data may not -- some of that study may not result</p> <p>17 in the production of a product, so it wouldn't even be</p> <p>18 relevant?</p> <p>19 A. That -- yes, and that's an important</p> <p>20 distinction to make. Products which are at the very</p> <p>21 early stage, those data would not be routinely shared.</p> <p>22 Q. You were talking earlier today about</p> <p>23 the individual in Brazil who is the head of the</p> <p>24 South American leadership team in terms of marketing</p> <p>25 efforts and helping. Do you expect the other leadership</p>
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<p>1 Most of that centrally is in Basel.</p> <p>2 Q. Is the database in Basel?</p> <p>3 A. Most of it, although the regions will have</p> <p>4 their own databases as it relates to their local</p> <p>5 regulatory submissions, for sure.</p> <p>6 Q. Is information in that database restricted</p> <p>7 from access by -- to the -- to the people in the</p> <p>8 subsidiaries, or do they have access to it?</p> <p>9 A. It is -- it is restricted in the sense</p> <p>10 that it is for those people who need to have it. It</p> <p>11 doesn't mean to say it's restricted from access to the</p> <p>12 subsidiaries. If they need it, then they have access to</p> <p>13 it. And here I -- I need to -- need to say I'm not</p> <p>14 sure, but most of the data is visible to most of our</p> <p>15 development specialists.</p> <p>16 Q. Whether --</p> <p>17 A. Whether they need it or not.</p> <p>18 Q. Right. Outside of Basel is what you're</p> <p>19 saying?</p> <p>20 A. Yes.</p> <p>21 Q. So whether -- what you're saying is that</p> <p>22 some of the people in marketing may not need access to</p> <p>23 scientific data, whether or not they could get it or</p> <p>24 not, but the people who would actually need it would</p> <p>25 have access to it?</p>	<p>1 team members to assist in that respect as well?</p> <p>2 A. In the respect of --</p> <p>3 Q. Marketing and assisting marketing?</p> <p>4 A. We have a head of marketing in all of the</p> <p>5 regions who reports to the head of the -- the business,</p> <p>6 the regional head, so we have a -- we have a marketing</p> <p>7 function, sure. It is their responsibility to do</p> <p>8 marketing, yes.</p> <p>9 Q. Right. What I meant was that -- could you</p> <p>10 tell me the name of the fellow in Brazil again who heads</p> <p>11 the leadership team for South America?</p> <p>12 A. Antonio Carlos Guimaraes.</p> <p>13 Q. Carlos?</p> <p>14 A. Antonio Carlos.</p> <p>15 Q. Carlos?</p> <p>16 A. Yes.</p> <p>17 Q. Carlos. Okay.</p> <p>18 A. Antonio Carlos.</p> <p>19 Q. You indicated that he actually goes out</p> <p>20 and assists in the other subsidiary regions and assists</p> <p>21 them, or at least trains them, in terms of how to market</p> <p>22 products?</p> <p>23 A. Maybe those -- those verbs or adjectives</p> <p>24 aren't -- aren't quite right. He supports them, he</p> <p>25 consults with them. Most of them are -- are</p>

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<p>1 professionals of a high standing, but he does what is 2 needed to -- to improve the performance and optimize the 3 performance of these subsidiaries. 4 Q. And the -- and the -- and the sales and 5 market share? 6 A. Yes, to -- to help them. And also, 7 there's quite a bit of transfer of know-how from Brazil 8 to other parts of Latin America. Brazil is by far our 9 most developed business and most successful, and some of 10 the things they're doing, he will transfer -- or not 11 only him, but other members of his team. 12 Q. Now, would you expect, for example, the 13 person in Asia to do the same thing as leadership team, 14 or is -- or is the South American experience different? 15 Are they all basically the same, in terms of marketing? 16 A. They are all basically the same, but -- 17 but I -- I don't -- I want -- I want to be precise on 18 this point: each of these affiliates in all these 19 territories are charged, and it's very explicit, with 20 running their own businesses. 21 I mean, we -- we talk about -- and it's -- it's 22 on our website and it's in the analyst presentations we 23 do. 24 We talk about tailored models. What that means 25 is, every country has its own strategy, its own way of</p>	<p>1 most part, working for Syngenta Crop Protection AG. 2 Q. And do you know the names of those people? 3 A. Yes. 4 Q. Who are they? 5 A. Rob Neill is the leader. He is a 6 Canadian. Mike Stepan is the second-most senior 7 individual, who has a group of products and product 8 managers under him. And then we have more senior people 9 looking after some of our bigger products; for example, 10 a gentleman called Mark Bidwell is leading our 11 azoxystrobin business from a marketing -- a global 12 marketing standpoint. 13 Q. And what do they do in this committee? 14 A. What do they do? They are -- they are 15 responsible -- they have a number of responsibilities. 16 They have an important link with the supply chain. 17 We talked about active ingredient management earlier. 18 These people are helping in the planning of -- of supply 19 to the demand, so they are bringing the demand bit to 20 the supply piece, and that's -- that's an important part 21 of what they do. 22 They are -- if it's an early stage product, 23 they're helping define the positioning of such a 24 product: how does it fit in the product range; how does 25 it compare with competitive products; what is the</p>
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<p>1 marketing, its own customer base, its own approach. So 2 you -- when we have leaders from a region going to a 3 territory, he is -- he is going to help them in their 4 local operation, not to define their local operation. 5 Q. Right. But he assists them, and would 6 that apply in NAFTA as well? 7 A. Yes. 8 Q. With Mr. Hawkins? 9 A. Mr. Hawkins and Mr. Bradshaw. When he 10 goes to Canada he will -- he will -- he will discuss the 11 way that Canadian operation is going, and if there is 12 anything that he can do to help, then he will -- he will 13 do it. 14 Q. All right. Now, in terms of overall 15 marketing -- and I don't mean just in the local areas -- 16 is there a -- is there a global strategy in terms of 17 marketing? 18 A. We have a global -- we have a global 19 marketing group in Basel. 20 Q. And what does that group consist of? 21 A. It consists of people who are global 22 product managers, or business managers. 23 Q. And from -- which entities would they come 24 from? 25 A. I believe they are, in the most -- for the</p>	<p>1 profile of this product? 2 They prepare some documentation which will help 3 the local affiliate to define their own marketing plans. 4 It's input for them to define on which they would base 5 their local marketing plans. These are the types of 6 things that they do. 7 Q. How do they coordinate their -- 8 the results of their meetings and studies with the local 9 subsidiaries? 10 A. There is a marketing leadership team 11 chaired by Rob Neill where the heads of marketing from 12 the regions participate, and some of these business 13 managers will also participate. It will be on a, 14 you know, as-appropriate basis, for the most part, and 15 this is a -- you know, an approach that brings together 16 some of the most important products and some of the most 17 critical marketing decisions and strategies. 18 Q. Let's pick NAFTA, if we can. Talk to me 19 about how the coordination would work for the NAFTA 20 marketing and the NAFTA coordinated leadership team? 21 A. All right. So Travis Dickinson, who is -- 22 who is head of marketing in NAFTA, would participate in 23 this global marketing leadership team, and he would -- 24 they would discuss new products which could be available 25 for North America; they would discuss provisioning of</p>

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<p>1 existing products; they would discuss development</p> <p>2 programs for -- for all products which had relevance for</p> <p>3 NAFTA and, of course, relevance globally to try and --</p> <p>4 to try and find, you know, where are the differences,</p> <p>5 where are the synergies between North America and other</p> <p>6 parts of the world.</p> <p>7 Q. Where is he, Travis -- I didn't catch his</p> <p>8 last name?</p> <p>9 A. Dickinson.</p> <p>10 Q. Dickinson. Where is he located?</p> <p>11 A. In Greensboro.</p> <p>12 Q. Does he work for Syngenta Crop Protection</p> <p>13 Inc.?</p> <p>14 A. Yes.</p> <p>15 Q. And does he also then coordinate with the</p> <p>16 global leadership team?</p> <p>17 A. With the -- he coordinates with the</p> <p>18 marketing leadership team, with this team --</p> <p>19 Q. I'm sorry, excuse me, the marketing</p> <p>20 leadership team, which is the overall global</p> <p>21 leadership --</p> <p>22 A. Yeah, right.</p> <p>23 Q. -- in terms of marketing?</p> <p>24 A. Right. Yes, it is. I think it -- if I</p> <p>25 can suggest, we're dealing with a, if I can use the</p>	<p>1 in Asia.</p> <p>2 So what -- what the person from Asia can learn</p> <p>3 about what they've done in America is very important for</p> <p>4 deployment in their local markets.</p> <p>5 Q. Well, does Travis Dickinson have a team in</p> <p>6 North America?</p> <p>7 A. Yes, he does.</p> <p>8 Q. Who is on his team?</p> <p>9 A. He has a team of brand managers who look</p> <p>10 after these different product brands. I mentioned Quilt</p> <p>11 to you. There'll be a -- there is somebody looking</p> <p>12 after the corn herbicides, which would include atrazine,</p> <p>13 and so on and so forth. I cannot give you the names of</p> <p>14 all the members of his team.</p> <p>15 Q. Does his team have members from other</p> <p>16 NAFTA companies -- I'm sorry, other NAFTA subsidiaries?</p> <p>17 A. No. No. His team is a US team but he,</p> <p>18 on an as-needed basis, links to -- to Canada and Mexico.</p> <p>19 Q. Now, do you know how he coordinates</p> <p>20 marketing efforts with the global leadership team and</p> <p>21 marketing?</p> <p>22 A. I have some knowledge of that, through</p> <p>23 face-to-face meetings, which are not very frequent,</p> <p>24 four or five per year, perhaps, maybe six at the</p> <p>25 outside. And, of course, there is informal contact,</p>
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<p>1 analogy, a very small part of a big iceberg here. The</p> <p>2 majority of -- of what Travis Dickinson does relates to</p> <p>3 marketing in -- in North America. There are bits of the</p> <p>4 marketing which need to be linked globally. That is the</p> <p>5 bit that he is dealing with when he participates in the</p> <p>6 marketing leadership team.</p> <p>7 Q. Explain that to me.</p> <p>8 A. Well, for example, if we take our</p> <p>9 fungicide range in North America, we have a product</p> <p>10 called Quilt. The pricing of Quilt, the positioning of</p> <p>11 Quilt, the customer base, the sales volumes, everything</p> <p>12 associated with Quilt locally is determined locally.</p> <p>13 It's not anything to do with global. The only time that</p> <p>14 it touches global is the provisioning of the active</p> <p>15 materials to manufacture the product. That's where</p> <p>16 there has to be coordination, because azoxystrobin is</p> <p>17 manufactured -- which is the active material, is</p> <p>18 manufactured in the UK, so there clearly has to be a</p> <p>19 linkage there.</p> <p>20 When they discuss these types of products at</p> <p>21 the global level, it's more to do with sharing --</p> <p>22 sharing information, because we're trying to build,</p> <p>23 for example, a fungicide business like they have in the</p> <p>24 United States in Latin America, we're trying to build a</p> <p>25 fungicide business like they have in the United States</p>	<p>1 as -- as necessary.</p> <p>2 Q. Where is atrazine sold throughout the</p> <p>3 world by Syngenta?</p> <p>4 A. The United States; Canada, I believe; most</p> <p>5 of the countries of Latin America; Australia; several</p> <p>6 countries in the rest of Asia-Pacific.</p> <p>7 Q. Europe, is it sold?</p> <p>8 A. It is sold in some parts of Europe, but</p> <p>9 not in the European Union.</p> <p>10 Q. Which countries of Europe is it sold in?</p> <p>11 A. Parts of eastern Europe that are not in</p> <p>12 the European Union.</p> <p>13 Q. Why isn't it sold in the European Union?</p> <p>14 A. Because in 2004 it was not -- the</p> <p>15 registration was not renewed for it to be sold in the</p> <p>16 European Union.</p> <p>17 Q. What other parts of the world is it sold</p> <p>18 in, besides what you've told me?</p> <p>19 A. It's sold in many smaller territories.</p> <p>20 I've given you the major ones.</p> <p>21 Q. All right. Is there -- is there a global</p> <p>22 leadership team which has atrazine as -- as a topic?</p> <p>23 A. Not a leadership team, but within global</p> <p>24 marketing, atrazine is part of the responsibility of the</p> <p>25 man who is looking after our global corn herbicide</p>

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<p>1 range.</p> <p>2 Q. Who is that?</p> <p>3 A. Dave Elser.</p> <p>4 Q. And what is his relationship with</p> <p>5 atrazine?</p> <p>6 A. It's part of our global corn range.</p> <p>7 Q. So he would have responsibility for</p> <p>8 atrazine?</p> <p>9 A. He has --</p> <p>10 MR. POPE: In what sense, excuse me?</p> <p>11 BY MR. TILLERY:</p> <p>12 Q. In terms of oversight and marketing.</p> <p>13 A. Marketing, yes -- oversight of the -- the</p> <p>14 bit -- the bit that is -- that is global, yes.</p> <p>15 Q. Is there some part of atrazine marketing</p> <p>16 that he -- that is excluded from his consideration?</p> <p>17 A. He doesn't deal with the local positioning</p> <p>18 of atrazine in the United States, he doesn't deal with</p> <p>19 the pricing of atrazine in the United States, he doesn't</p> <p>20 do any deals with the third parties that we sell</p> <p>21 atrazine to, he is not involved in -- in the customer</p> <p>22 deals. I mean, most of it he's not involved in.</p> <p>23 Yes, he's involved in -- linked to the supply</p> <p>24 of atrazine. He's -- he understands all the -- the --</p> <p>25 the opportunities and issues and questions that surround</p>	<p>1 Q. And what does it do?</p> <p>2 A. It controls a broad spectrum of weeds in</p> <p>3 corn.</p> <p>4 Q. Okay. And -- and is that sold in many of</p> <p>5 the subsidiaries or by many of the subsidiaries in</p> <p>6 South America?</p> <p>7 A. In almost every place where we've got</p> <p>8 corn, we -- we have a Callisto product.</p> <p>9 Q. Okay. Who makes -- you said -- you were</p> <p>10 talking to me about the fact that a local emerging</p> <p>11 market, when we talked about South America, could ask</p> <p>12 for a product that they think they could sell?</p> <p>13 A. Yes.</p> <p>14 Q. Who ultimately makes the decision about</p> <p>15 whether it's going to be sold there?</p> <p>16 A. Well, several things. There's no --</p> <p>17 this -- this may sound -- sound as though I don't want</p> <p>18 to answer your question directly, but there's -- the</p> <p>19 decision emerges. A decision emerges because the -- the</p> <p>20 market is there -- I mean, several things have to</p> <p>21 happen: is there a market for it, is there enough</p> <p>22 sites, "yes" or "no"; is the technical data such that</p> <p>23 this thing can be registered in this place and does it</p> <p>24 control the weeds, "yes" or "no"; is -- is the</p> <p>25 opportunity of sufficient volume that we could formulate</p>
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<p>1 atrazine, as he does with many other products, but he --</p> <p>2 he is not deeply involved in atrazine in the</p> <p>3 United States, in the sense I think you mean it.</p> <p>4 Q. Who has the ultimate -- strike that.</p> <p>5 Let's pick a product in South America that --</p> <p>6 one of your products that's sold there that's a</p> <p>7 herbicide. Can you give me an example of a product</p> <p>8 that's sold in South America?</p> <p>9 A. Sure.</p> <p>10 Q. Let's -- let's say broad sales throughout</p> <p>11 South America.</p> <p>12 A. Broad sales throughout South America and a</p> <p>13 herbicide. Well, the most ubiquitous one is -- is</p> <p>14 glyphosate, of course, but that may not be a perfect</p> <p>15 example for what we're going to discuss.</p> <p>16 Q. Okay. And why wouldn't it?</p> <p>17 A. Well, simply because it's a commodity</p> <p>18 product. It's not one of -- it's not a speciality</p> <p>19 product. It's an important product.</p> <p>20 Q. Can you pick another one, then?</p> <p>21 A. All right. Callisto.</p> <p>22 Q. Callisto; what does that do?</p> <p>23 MR. POPE: Do you want to spell that for her?</p> <p>24 THE WITNESS: C-A-L-L-I-S-T-O.</p> <p>25 BY MR. TILLERY:</p>	<p>1 it in a place which would make it accessible to that</p> <p>2 market? And so on and so forth. So there's a sort of</p> <p>3 checklist of points.</p> <p>4 And whether you're looking at that checklist</p> <p>5 locally or globally or regionally, you will almost</p> <p>6 always reach the same conclusion. There are times when</p> <p>7 we have to debate it. It falls into a grey zone. But,</p> <p>8 typically, whether it should be sold there is -- is</p> <p>9 quite obvious.</p> <p>10 Q. Yes, and -- and I would imagine that's the</p> <p>11 case, is that on most of your products, if there's a</p> <p>12 need in the market and it's subject to registration to</p> <p>13 where it can be legally sold, then if they can sell</p> <p>14 enough of it to make it worthwhile, then you sell it;</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. The question I had is, let's say it falls</p> <p>18 into one of those grey areas. How is that evaluation</p> <p>19 done?</p> <p>20 A. We use the same process, but then we --</p> <p>21 we have to look at is it worthwhile or not? Are we</p> <p>22 going to -- are we going to invest the money needed to</p> <p>23 develop this product which cannot be used in Brazil</p> <p>24 because, you know, there's some concern about it</p> <p>25 persisting in the soil or there's some other concern and</p>

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<p>1 we can't -- it's not going to work in Brazil, but it's 2 hugely valuable for Russia, Australia and the US. 3 I mean, is this going to make sense. 4 Q. Who is doing that analysis? 5 A. Well, the territories do that analysis 6 about their own markets, and then it will come together 7 at the global marketing level. 8 Q. And -- and the global marketing people 9 then, as -- as you just went through the analysis, who 10 is the head of that team who would make that type of 11 analysis? 12 A. Okay. So then Rob Neill, who is head of 13 global marketing, would make a recommendation. That 14 recommendation would come to the crop protection 15 leadership team, which I chair, and we would -- and 16 on -- on which sits the heads of regions, the head of 17 global marketing, so the leaders of the crop protection 18 business, and we would collectively decide what we 19 wanted to do. 20 Q. Make it -- to decide whether to sell that 21 in that particular region or not, or -- 22 A. To the -- but often it -- often these 23 decisions are -- are global -- no, it wouldn't -- if the 24 product was viable and it was a local decision whether 25 to sell it or not, that would be a local decision. If</p>	<p>1 Q. And the executive committee of SAG? 2 A. Yes. 3 Q. Syngenta AG? 4 A. Yes. Yes. 5 Q. Now, you were talking before we took our 6 break about a crop protection committee -- CPLT it's 7 referred to? 8 A. Yes, crop protection leadership team, yes. 9 Q. And what is that? 10 A. That's -- that's a group which is chaired 11 by me. There are 11 members, four region heads, 12 heads of global marketing. We have legal membership, 13 we have financial membership, we have global supply 14 chain, and we have HR participation as well on an 15 as-needed basis. 16 So, if you like, it -- it mirrors a bit how the 17 regional leadership teams operate, but it's global. 18 Q. And could you walk me through the actual 19 head and membership on that committee? 20 A. Yes, I can tell you who's in it. 21 Q. All right. 22 A. I'm the head of it; Vern Hawkins, head of 23 NAFTA; Jon Parr, head of Europe/Africa/Middle East; 24 Andrew Guthrie, head of Asia; Antonio Carlos Guimaraes, 25 head of Latin America; Mark Patrick, head of finance;</p>
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<p>1 the grey area was such that it questioned the viability 2 of the product globally, we would make that decision. 3 Q. That's where we were, is in this grey area 4 of the discussion. 5 A. Yes. 6 Q. And you would make the call on whether or 7 not it's going to be sold there? 8 A. We would make the call on whether or not 9 it was going to be sold at all. I think that's where we 10 may be not communicating in the same way. 11 Q. Right. 12 A. This would be a decision about whether 13 this product had a future globally or not; not whether 14 it could be sold in Brazil. 15 Q. And what if you decided about -- who -- 16 who would make -- strike that. 17 Who would make the same call with respect to 18 discontinuation of the product? 19 A. That would follow a similar process, 20 so under my chairmanship, we would -- we would debate 21 it, and -- and we would decide whether a product should 22 be discontinued, and we may -- under those 23 circumstances, we -- we may end up making a 24 recommendation for support and for information to the 25 executive -- the executive committee.</p>	<p>1 Mark Peacock, head of supply chain; Gigi Hoh, who is a 2 legal counsel; Rob Neill -- 3 Q. You know, I'm going to interrupt your 4 answer, if you don't mind, and I'm terribly sorry. 5 Could you explain to me the locations, in terms -- 6 as you're describing these people and which -- 7 A. Sure. 8 Q. -- entities they come from? I'm sorry, 9 sir. 10 MR. POPE: Where they're -- where they're 11 employed, you mean? 12 MR. TILLERY: Yes. 13 THE WITNESS: Yes. So they -- 14 MR. POPE: Just so you know. 15 THE WITNESS: Okay. Thank you. So the region 16 heads, I think we've discussed where they are. 17 BY MR. TILLERY: 18 Q. Yes, we have. 19 A. Each of the -- 20 Q. We have talked about them. 21 A. -- places. Mark Patrick, head of finance, 22 he is --he is in -- he is in Basel. 23 Q. Do you know which entity? 24 A. It's probably International, but it could 25 be Crop Protection AG. I -- I'm not sure.</p>

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<p>1 Q. All right.</p> <p>2 A. The lawyer Gigi Hoh is in Basel.</p> <p>3 Q. Do you know which entity?</p> <p>4 A. One or the other. I suspect in her case</p> <p>5 it's International.</p> <p>6 Q. Okay.</p> <p>7 A. Mark Peacock, he is International, he is</p> <p>8 my SEC colleague, global supply chain. A man called</p> <p>9 Goppelsroeder, which we'll give you the spelling</p> <p>10 afterwards, it is quite complicated, he is head of our</p> <p>11 seed care business. He is in Basel.</p> <p>12 Q. Do you know which entity?</p> <p>13 A. Either International or -- I believe</p> <p>14 International. I'm not sure.</p> <p>15 Q. Okay.</p> <p>16 A. And who else I have missed? And then we</p> <p>17 have HR participating also from time to time, and</p> <p>18 sometimes that is Caroline Luscombe, who is global head</p> <p>19 of HR, or it is a lady called Christina, and her second</p> <p>20 name I find very difficult to pronounce, so I won't</p> <p>21 pronounce it, but I will get it for you, and I seem to</p> <p>22 have missed one out.</p> <p>23 Q. Right.</p> <p>24 A. We are almost there. We are almost there.</p> <p>25 Q. If you think of that other person, let me</p>	<p>1 there is deviation, could we do about that.</p> <p>2 Q. You talked about efficiencies with the</p> <p>3 formation of Syngenta?</p> <p>4 A. Yes.</p> <p>5 Q. How does this team work in terms of</p> <p>6 improving efficiencies on a global basis?</p> <p>7 A. So we -- we can compare income statements</p> <p>8 across the company and we can look for companies,</p> <p>9 affiliates, that are less efficient than others, and we</p> <p>10 can help them to improve their efficiency. That's one</p> <p>11 way we can do it.</p> <p>12 We can -- we can provide input to the supply</p> <p>13 chain about how they could improve their efficiency as</p> <p>14 well. There are a number of ways that we can go about</p> <p>15 it, but efficiency is an important part of what we do.</p> <p>16 Q. And how do you coordinate with -- you have</p> <p>17 other leadership teams associated with the four regions;</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Below this.</p> <p>21 A. Yes.</p> <p>22 Q. How does this overriding crop protection</p> <p>23 leadership team coordinate with the four region</p> <p>24 leadership teams?</p> <p>25 A. The four region heads who are on the crop</p>
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<p>1 know.</p> <p>2 A. Yes, I will. I'm sure I will, if I have</p> <p>3 it.</p> <p>4 Q. Could you tell me what this team does?</p> <p>5 A. Sure. Strategy for the overall crop</p> <p>6 protection business worldwide.</p> <p>7 Q. What does that mean?</p> <p>8 A. It means what is the framework,</p> <p>9 strategic framework, in which we want to aim --</p> <p>10 towards which we want to aim. I can describe it to you</p> <p>11 very quickly. There are three elements to it: what we</p> <p>12 call portfolio enhancement, so accelerating new products</p> <p>13 through to market and licensing-in technology that we</p> <p>14 feel we should have and we don't; it is tailored models,</p> <p>15 that means how we can particularly accelerate the</p> <p>16 development of our business in emerging markets, what</p> <p>17 can we do to do that; and it is operational efficiency,</p> <p>18 how can we be more efficient as a company. Those are</p> <p>19 the three pillars to our global strategy. That global</p> <p>20 strategy was defined by the members of the crop</p> <p>21 protection leadership team three or four years ago. So</p> <p>22 we do that.</p> <p>23 We do performance checking: what's the latest</p> <p>24 estimate, how are we doing compared with budget,</p> <p>25 what's -- you know, how are we performing, and what, if</p>	<p>1 protection global leadership team bring the most</p> <p>2 important issues for them to the crop protection</p> <p>3 leadership table. In fact, the agenda is an agenda</p> <p>4 which is largely developed by the members, so we</p> <p>5 would -- I would invite Andrew Guthrie to put on the</p> <p>6 agenda things that he thinks are important for him to</p> <p>7 discuss at a global level but which might pertain to his</p> <p>8 region. So that's -- that's how the linkage would --</p> <p>9 would be made.</p> <p>10 And, equally, if there are matters which are</p> <p>11 discussed which have a relevance to that leadership team</p> <p>12 afterwards, then he would -- he would bring that back</p> <p>13 with him when he returns to Singapore.</p> <p>14 Q. We've talked about marketing leadership</p> <p>15 teams, overall crop protection leadership teams,</p> <p>16 regional leadership teams. You even talked about the</p> <p>17 toxicology and development. Are there others within</p> <p>18 your particular agrochemical business section, apart</p> <p>19 from seeds? Is there -- is there some other group or --</p> <p>20 of leadership teams?</p> <p>21 A. Country leadership teams. They have their</p> <p>22 own leadership teams by country, typically.</p> <p>23 Q. And give me an example of that;</p> <p>24 for example, for Asia?</p> <p>25 A. So in Japan they have their leadership</p>

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<p>1 team under the leadership of the head of the country, 2 and -- and, you know, they will do a lot of the things 3 we've discussed, but on a local -- local basis. 4 Q. And any other leadership teams within the 5 Syngenta Crop Protection business? 6 A. Some of the bigger territories, like the 7 US, will have a commercial steering team, what we call a 8 CST. That -- that is a subset of the RLT. I mean, the 9 RLT, with 17 people in it, is not very suitable for 10 discussing short-term commercial matters. 11 Q. What is the RLT? 12 A. The regional leadership team. 13 Q. Right. 14 A. So they have a smaller group called the 15 commercial steering team who discuss day-to-day 16 business, and that is a subset of the regional 17 leadership team, but for the United States only. 18 Q. Are there any global leadership teams 19 within the Syngenta Crop Protection business we haven't 20 talked about? 21 A. Are there any global leadership teams 22 within the business that we have not talked about? 23 We've talked about -- well, there is a finance 24 leadership team, but that -- as I mentioned to you, that 25 is within the function. We have this matrixed</p>	<p>1 registration worldwide sitting on it. Yes, he does. 2 Q. And where are they located? 3 A. Basel. 4 Q. And by whom is he employed? 5 A. Ramos? Either International or Crop 6 Protection. 7 Q. And what does he do? What is the 8 responsibility of his team? 9 A. He has under him the whole product 10 development portfolio, so we spend -- we spend about 11 three hundred and -- between 300 and \$350 million a year 12 on product development, as distinct from research, and 13 that -- he is responsible for the oversight as is 14 appropriate globally for that spend. 15 Q. And, more specifically, who would be in 16 charge within his group of determining issues relating 17 to human health and environmental issues? 18 A. Peter Hertl would be the man who had the 19 oversight on those kind of toxicology issues, in 20 coordination with a man called Dave French, who is our 21 regulatory head. So the regulators would also 22 participate very much in that. And the steward, we have 23 a -- we have a -- Richard Brown is head of global 24 stewardship. He would also have an input. 25 Q. What does "stewardship" mean?</p>
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<p>1 organization, so I -- I don't consider that to be part 2 of -- 3 Q. What is the finance leadership team? 4 A. That is chaired by John Ramsay, who is our 5 chief financial officer. 6 Q. And how would that impact members of Crop 7 Protection subsidiaries? 8 A. The -- Mark Patrick, who -- who provides 9 financial support and leadership for me, is on that 10 financial leadership team, so he would bring any matters 11 that were relevant to the crop protection leadership 12 team and, therefore, it would become connected. 13 Q. Is there a global team for health 14 assessment and environmental science? 15 A. That would be under Peter Hertl if it's 16 toxicology, but I'm -- you know, Gerardo Ramos, we 17 didn't mention his name, and he's the one I missed off 18 my crop protection leadership team, he's the head of 19 crop protection R&D, R-A-M-O-S, Gerardo in English. 20 He has his development -- well, devco, we did 21 talk about that, development leadership team. But he -- 22 he may have a subset dealing with -- he does have a 23 subset dealing with matters relating to environmental 24 science and -- and registerability of compounds. He has 25 a small team which does that with the head of our</p>	<p>1 A. It means looking after our products 2 and the health and welfare of our customers in the use 3 of these products. 4 Q. And is there a global policy regarding 5 stewardship? 6 A. Yes, there is. This -- this takes many 7 forms. In -- it is very different if you are discussing 8 stewardship in the United States with professional 9 farmers who are very conscious of what they need to do, 10 compared to if you're discussing it in Indonesia, where 11 you need to hand-hold farmers, small farmers, in how 12 they protect themselves when they operate -- use our 13 products. 14 Q. But this policy, is there such a global 15 policy? 16 A. We absolutely have -- and we have 17 documents which talk about Syngenta's stewardship. 18 I'm not sure you would describe it perhaps quite as a 19 policy in the way that you mean it, but we have lots of 20 documentation about how we go about stewardship, and -- 21 and much of it in the public domain. 22 Q. Who is in charge of determining that 23 policy regarding stewardship? 24 A. Richard Brown is our lead steward. 25 Q. And by whom is he employed?</p>

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<p>1 A. Either -- either International or -- or 2 Crop Protection. 3 Q. He is in Basel? 4 A. Yes, he is. 5 Q. How does he come up with -- 6 MR. POPE: Crop Protection AG you meant? 7 THE WITNESS: Yes. 8 BY MR. TILLERY: 9 Q. He is in Basel? 10 A. Yes. 11 Q. And by what method does he work with 12 subsidiaries in terms of that policy for stewardship? 13 How does he communicate with them? 14 A. Yes. Well, he personally travels quite a 15 bit to -- to -- to meet with them and familiarize them 16 with some of the latest developments in the world of 17 stewardship. 18 He also -- he is -- he supports stewardship 19 from the affiliates to the center. But we -- I think 20 it's important to say, we -- we have product stewards in 21 all our affiliate operations, pretty well. There is a 22 stewardship responsibility throughout the world. 23 Q. I -- 24 A. I mean, it's an integral part of our 25 business.</p>	<p>1 is evaluation -- evaluation -- evaluation, where it's -- 2 it's -- 3 Q. That's still in the laboratory? 4 A. No, it goes into small plots in the 5 field -- 6 Q. Yes. 7 A. -- under permit. And stage 3 is 8 large-scale development. 9 Q. Okay. Would you walk me through how this 10 goes from 2 to 3 to 4 and who is responsible for doing 11 that? 12 A. Yes. So from -- to get from 2 to 3, there 13 are -- there are two important steps. The 14 development -- the global development committee would 15 assemble all -- the members of that committee and 16 their different responsibilities would assemble the 17 data, and the product would be discussed at the 18 development committee: is it safe, is it useful, is it 19 viable, commercially? There's a marketing input to that 20 group. 21 And then they would -- they would propose it 22 for promotion to stage 3, or they would -- they would 23 say, "This product is ready to be proposed -- to be 24 promoted to stage 3". 25 That recommendation would come to the crop</p>
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<p>1 Q. I understand. I'm just asking you, 2 though, how he would coordinate his office 3 responsibilities with the subsidiaries? 4 A. I understand. I don't believe he has a 5 leadership team in the way I've described it, because 6 it's much more diffuse than some of the other things, 7 but he would -- within the development community 8 particularly, he is able to communicate face to face and 9 remotely. 10 Q. You talked about earlier -- before we took 11 our break, about a step process for a particular 12 product? 13 A. Yes. 14 Q. Could you take me through that entire 15 process? 16 MR. POPE: This is the development of a new 17 product. 18 BY MR. TILLERY: 19 Q. Yes, let's -- the product step process 20 that you discussed earlier? 21 A. Stage plan? Yeah -- 22 Q. Stage -- stage planning? 23 A. Stage plan. 24 Q. Stage plan. 25 A. Stage 1 -- stage 1 is discovery. Stage 2</p>	<p>1 protection leadership team with the business people on 2 it, and we would -- 3 Q. Just so we're clear, I know I'm 4 interrupting you, but that crop protection leadership 5 team is the one that you head in Basel? 6 A. Correct. 7 Q. Go ahead, sir. 8 A. And -- and we would -- we would look at 9 the proposal, which would have a commercial piece to it 10 and a technical development piece to it, and then we 11 would decide whether or not this should be promoted. 12 Then Syngenta's executive committee would be 13 informed, and we would seek their support for the 14 decision that we've made. 15 Q. And the Syngenta AG executive committee is 16 composed of whom? 17 A. Eight of us: Mike Mack as CEO; myself, 18 head of the crop protection business; Davor Pisk as head 19 of the seeds business; John Ramsay as head of finance; 20 Christoph Maeder as head of legal and taxes; 21 Mark Peacock as head of the supply chain; and -- and 22 Sandro Aruffo as head of research and development. 23 Q. And then this presentation would be made 24 to this group for a vote? 25 A. It never -- I've never known it to be</p>

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<p>1 voted on. It's not necessary to vote on. It would be</p> <p>2 made to them to tell them about the decision we've made</p> <p>3 and to get any feedback they would wish to give us.</p> <p>4 Q. Why would you go to them? What's the</p> <p>5 purpose in taking it to them? Why don't you just launch</p> <p>6 the product yourself?</p> <p>7 A. Because we've spent \$200 million of the</p> <p>8 company's money, and because some of these assets can</p> <p>9 generate sales of over half a billion, so we think they</p> <p>10 should know about it.</p> <p>11 Q. Is that the only reason?</p> <p>12 A. It's the best reason. It's the only one</p> <p>13 that comes to mind immediately.</p> <p>14 Q. Is there another reason that you're</p> <p>15 required to, under the -- under the operational</p> <p>16 guidelines of the company?</p> <p>17 A. I'm not sure whether we're absolutely</p> <p>18 required to do that, to be -- to be honest, but we do.</p> <p>19 Q. Have you ever taken a product to market</p> <p>20 without going to the Syngenta AG executive committee?</p> <p>21 A. Yes, but not a big one that we have</p> <p>22 invested a lot of money in.</p> <p>23 Q. What was the product you went on the</p> <p>24 market without getting their permission to?</p> <p>25 A. We license-in many products from third</p>	<p>1 executive committee, but the local deal -- the local</p> <p>2 deals we did not.</p> <p>3 Q. Are they subject to this four-part step</p> <p>4 test?</p> <p>5 A. No, because they sometimes come in as</p> <p>6 already-marketed products, and if we're going to --</p> <p>7 if we're going to mix them with some of our technology,</p> <p>8 they -- they may automatically enter into step 3, so</p> <p>9 some basic formulation development and then they go</p> <p>10 straight to step 4. So they don't go through the whole</p> <p>11 process.</p> <p>12 Q. Okay. So of the process -- of those</p> <p>13 molecules that are subject to that process that we were</p> <p>14 talking about, have you ever taken any of them to market</p> <p>15 without bringing it to the Syngenta AG executive</p> <p>16 committee?</p> <p>17 A. Not of the ones we've done internally, no;</p> <p>18 none of the big ones, absolutely not, no.</p> <p>19 Q. They have all been approved?</p> <p>20 A. They have all been discussed and consulted</p> <p>21 on.</p> <p>22 Q. Have they ever been -- have you ever been</p> <p>23 told by the Syngenta executive committee not to market a</p> <p>24 product?</p> <p>25 A. That we have already approved at</p>
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<p>1 parties, some of them have got local importance, some of</p> <p>2 them have got regional importance. I would not -- if</p> <p>3 I did inform the executive committee, it would just be</p> <p>4 an "any other business" matter. I wouldn't seek any</p> <p>5 feedback from them.</p> <p>6 Q. Okay. Well, can you give me the name of</p> <p>7 that product that you went on the market with without</p> <p>8 getting permission?</p> <p>9 A. I didn't say I -- I was looking for</p> <p>10 their permission, but -- well, there are so -- there are</p> <p>11 so many examples. Let me -- let me just -- just reflect</p> <p>12 on it for a second.</p> <p>13 We have reached agreement with Dow, with</p> <p>14 Dow Agrosciences, to -- to mix some of their technology</p> <p>15 with ours and market it in -- particularly in Europe,</p> <p>16 and we --</p> <p>17 Q. Is this a license?</p> <p>18 A. It's a license, yes. It's a license deal.</p> <p>19 It's a supply coupled with -- typically, in these cases,</p> <p>20 it will be a supply contract and a licensing deal of</p> <p>21 some sort, and -- and we -- we have done several of</p> <p>22 these local deals. We do that without any information</p> <p>23 being passed upwards.</p> <p>24 We did, however, do a much bigger deal with</p> <p>25 Dow Agrosciences, and on this occasion I did inform the</p>	<p>1 crop protection leadership team level, not to my</p> <p>2 recollection, no.</p> <p>3 Q. Has Syngenta ever taken a product off the</p> <p>4 market?</p> <p>5 A. Yes.</p> <p>6 Q. Which one?</p> <p>7 A. We have replaced several organophosphate</p> <p>8 insecticides, both in the legacy company and Syngenta,</p> <p>9 with better products that we could replace them with.</p> <p>10 Q. And tell me how that -- was that a</p> <p>11 substitution or a withdrawal? How did that happen?</p> <p>12 A. Yeah, it was a -- it was a -- it was a</p> <p>13 substitution over time and we just -- I mean, you know,</p> <p>14 we spend -- the company spends a billion dollars on</p> <p>15 innovation across the business, we spend half that in</p> <p>16 crop protection, and the idea is to innovate. So it's</p> <p>17 part of the whole lifecycle management. You know, it</p> <p>18 goes through a growth phase, it gets mature and then we</p> <p>19 phase it out.</p> <p>20 So when we phase it out, we replace it with</p> <p>21 something better and, you know, a case in point, these</p> <p>22 old insecticides that we had for many years were phased</p> <p>23 out and replaced by better solutions.</p> <p>24 Q. That same discussion has taken place about</p> <p>25 atrazine, hasn't it?</p>

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<p>1 A. Oh, yes.</p> <p>2 Q. About phasing it out?</p> <p>3 A. About do we have a better solution and</p> <p>4 should we replace it.</p> <p>5 Q. Yes. I saw that as early as 2003 that</p> <p>6 discussion was going on?</p> <p>7 A. Yes, yes, correct.</p> <p>8 Q. It's an ongoing discussion about atrazine?</p> <p>9 A. About atrazine, about paraquat, about</p> <p>10 metolachlor, about most of our older chemistry, yes, of</p> <p>11 course.</p> <p>12 Q. Who has charge of that discussion? Where</p> <p>13 is that discussion taking place?</p> <p>14 A. It's taking place between development and</p> <p>15 marketing and between global, regional and local,</p> <p>16 depending on the specific approach.</p> <p>17 Q. Well, specifically with respect to</p> <p>18 atrazine, where has it been discussed that you're aware</p> <p>19 of?</p> <p>20 A. It's been discussed globally, it's been</p> <p>21 discussed in the United States, it's -- it's been</p> <p>22 discussed in other parts of the world where atrazine is</p> <p>23 important.</p> <p>24 Q. How is it being discussed globally?</p> <p>25 A. In the context of our overall development</p>	<p>1 Q. Both.</p> <p>2 MR. POPE: Well, ask one at a time.</p> <p>3 BY MR. TILLERY:</p> <p>4 Q. Well, you -- you answer it as you wish.</p> <p>5 A. We discuss atrazine frequently.</p> <p>6 Q. Okay.</p> <p>7 A. We have discussed replacing it very</p> <p>8 infrequently.</p> <p>9 Q. And you discuss it frequently at the</p> <p>10 Syngenta executive committee, frequently for what</p> <p>11 reason?</p> <p>12 A. Frequently along with other products</p> <p>13 that -- that -- we have matters that we need to --</p> <p>14 we need to bring to our attention. For example, the</p> <p>15 SAP process is -- is running with the EPA in the</p> <p>16 United States. That's an important matter.</p> <p>17 We are very conscious of and very aware of --</p> <p>18 of stakeholder attitudes to atrazine, as with other</p> <p>19 products. We are very conscious and aware of customer</p> <p>20 attitudes to atrazine, as with other products. These</p> <p>21 are matters that we -- we -- we discuss at the executive</p> <p>22 committee relatively frequently.</p> <p>23 Q. Would you say it's -- how often -- strike</p> <p>24 that.</p> <p>25 How often does the executive committee meet?</p>
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<p>1 portfolio, so we'll look at where does atrazine fit,</p> <p>2 what do we have to invest in it, what are the economic</p> <p>3 consequences if we -- we decide to replace it or do we</p> <p>4 have a suitable product to replace it with, how can</p> <p>5 we -- how can we -- how can we optimize our -- our</p> <p>6 business in the context of life with or without</p> <p>7 atrazine.</p> <p>8 Q. And who is -- when you're saying "we" --</p> <p>9 you are using a lot of "we"s. Is that the crop</p> <p>10 protection leadership team or is there some other</p> <p>11 organization on a global basis that's talking about</p> <p>12 atrazine?</p> <p>13 A. We have debated that at the devco, the</p> <p>14 development committee that I referred to, and we have</p> <p>15 debated it at the crop protection leadership team from</p> <p>16 time to time.</p> <p>17 Q. Has it also been debated at the Syngenta</p> <p>18 executive committee level?</p> <p>19 A. We've had discussions about that, but not</p> <p>20 recently and not frequently.</p> <p>21 Q. How many times in the last ten years have</p> <p>22 you had discussions at the Syngenta executive committee</p> <p>23 level about atrazine?</p> <p>24 A. About replacing it or about atrazine in</p> <p>25 general?</p>	<p>1 A. It meets once a month, on average.</p> <p>2 Q. How many times in the last year have you</p> <p>3 discussed atrazine?</p> <p>4 A. I would say at most of these meetings.</p> <p>5 Q. How long do the meetings last?</p> <p>6 A. A day -- between one and two days.</p> <p>7 Q. Has there been a meeting you can remember</p> <p>8 where atrazine wasn't discussed in the last year?</p> <p>9 A. I can't remember a specific meeting when</p> <p>10 it wasn't, no.</p> <p>11 Q. Is there a particular person on the</p> <p>12 Syngenta AG executive committee -- strike that.</p> <p>13 Is there a particular person on the executive</p> <p>14 committee that you talked about who is charged with that</p> <p>15 topic of atrazine, or do all of you have equal</p> <p>16 responsibility or authority with it?</p> <p>17 A. There are three of us who are particularly</p> <p>18 involved -- involved, informed. Sandro Aruffo, who is</p> <p>19 head of research and development; myself, as head of</p> <p>20 business; and Jonathan Sullivan as well, who we've</p> <p>21 mentioned before, sitting over there.</p> <p>22 Q. He is on the executive committee?</p> <p>23 A. No, he takes the minutes.</p> <p>24 Q. But he brings up the topics as well?</p> <p>25 A. No. No, the topics are agendaed in</p>

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<p>1 accordance with the plan. He discusses agenda topics</p> <p>2 with the CEO and it's -- it's the CEO's decision as to</p> <p>3 what is and is not on the agenda.</p> <p>4 Q. Let's go back to your role at the</p> <p>5 beginning of Syngenta. What were you doing -- what --</p> <p>6 strike that.</p> <p>7 What did you do at the very beginning of</p> <p>8 Syngenta, in terms of your role at the company?</p> <p>9 A. When it was created or before it was?</p> <p>10 Q. I think you've actually told me what you</p> <p>11 were doing right before it was created, haven't you, in</p> <p>12 the record?</p> <p>13 A. Yes.</p> <p>14 Q. All right. So after the day it was</p> <p>15 created, what was your role?</p> <p>16 A. Just to make the point that, before it was</p> <p>17 created, we were able to meet and discuss its creation.</p> <p>18 We didn't talk about that.</p> <p>19 Q. You know what, we talked -- I talked a lot</p> <p>20 about that with Mr. Maeder yesterday. Would you tell me</p> <p>21 what your role was in terms of its creation?</p> <p>22 A. I was with Christoph Maeder -- I think he</p> <p>23 mentioned Richard Steiblin and Heinz Imhof -- on the</p> <p>24 small team that -- that was involved in creating it.</p> <p>25 Q. And what did that involve?</p>	<p>1 What were the other reasons why it wasn't as</p> <p>2 successful as it could be?</p> <p>3 A. The market, the cost base I mentioned.</p> <p>4 I mean, the other reason, which wasn't as apparent then</p> <p>5 as it is now, was that both companies operated under</p> <p>6 parent companies which had multiple divisions. We</p> <p>7 weren't free to do the things that we now do. So that</p> <p>8 became -- I mean, that was a -- that was -- we assumed</p> <p>9 that would be the case, but it turned out to be much</p> <p>10 more important than it seemed at the time.</p> <p>11 Q. Management structure was an issue, and was</p> <p>12 inefficiency of operation a big issue?</p> <p>13 A. Yeah, sure.</p> <p>14 Q. And wasn't that something that you deemed</p> <p>15 to be important, and I think every member of the team</p> <p>16 deemed to be important, in terms of structuring the new</p> <p>17 Syngenta company?</p> <p>18 A. Correct. Because there's no way we were</p> <p>19 going to be able to be a viable public company and spend</p> <p>20 9 or 10 percent on R&D if we didn't get efficient, and</p> <p>21 the only way -- we had to -- we had to spend this money</p> <p>22 on innovation, because without that, the company</p> <p>23 wouldn't have existed after very long.</p> <p>24 Q. Which translated into what formation? It</p> <p>25 translated into doing what with the new entity?</p>
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<p>1 A. It involved a lot of things that</p> <p>2 I understand Christoph Maeder talked about yesterday,</p> <p>3 but for my -- my involvement was particularly around how</p> <p>4 we prepare to operationalize the company, from the point</p> <p>5 of view of people, the viewpoint of cost and -- and</p> <p>6 sales, and from the viewpoint, in a very, very broad</p> <p>7 framework sense, of -- of strategy.</p> <p>8 Q. The two entities that went together to</p> <p>9 form it, create Syngenta --</p> <p>10 A. Yeah.</p> <p>11 Q. -- was it your view that they were</p> <p>12 successful in the agrochemical business?</p> <p>13 A. Prior to the creation of the company?</p> <p>14 Q. Correct.</p> <p>15 A. They were successful for the most part,</p> <p>16 but in the two or three years immediately preceding the</p> <p>17 merger, less so.</p> <p>18 Q. Do you know why that was?</p> <p>19 A. Some of it was to do with the -- the</p> <p>20 market and the fact that it wasn't growing at that time;</p> <p>21 difficulties in -- in -- in getting sufficient return</p> <p>22 for -- particularly for the R&D investment that both</p> <p>23 companies were making, which was close to 10 percent.</p> <p>24 Q. What were the other reasons why it wasn't</p> <p>25 successful? All right. Sorry, strike that.</p>	<p>1 A. It translated into these two divisions:</p> <p>2 one to focus on crop protection; and then</p> <p>3 subsequently -- well, yeah, and then one to focus on</p> <p>4 seeds. And it translated into strong functions, a</p> <p>5 strong finance function that could manage the financial</p> <p>6 aspects of the business; it translated into an investor</p> <p>7 relations function that could help to communicate what</p> <p>8 our company was all about to financial analysts who</p> <p>9 weren't familiar with -- with a company like this. It</p> <p>10 translated into many things.</p> <p>11 Q. Well, one of them -- and this is listed in</p> <p>12 the 2005 annual review -- was a worldwide agrochemical</p> <p>13 business under common direction and control that acted</p> <p>14 as a single coordinated entity. Wasn't that --</p> <p>15 A. Yeah, we --</p> <p>16 Q. Wasn't that one of the purposes?</p> <p>17 A. Well, to be coordinated, yes; absolutely.</p> <p>18 Particularly in the areas I just mentioned: finance,</p> <p>19 supply chain.</p> <p>20 Q. Is it fair to say that, in forming the</p> <p>21 company, you were going to take all of the resources and</p> <p>22 organize them for the highest operational efficiency</p> <p>23 across regions, corporate boundaries and operational</p> <p>24 divisions?</p> <p>25 A. Yes, in so much as you can summarize that</p>

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<p>1 in a couple of sentences, that's right, but of course</p> <p>2 that doesn't capture the full nature of running the</p> <p>3 business. It doesn't capture the how-to, by any -- by</p> <p>4 any means.</p> <p>5 Q. All I was trying to say is, rather than</p> <p>6 repeating what the two predecessor entities were doing</p> <p>7 in the same way, in order for you to have the vision, as</p> <p>8 a member of this team, to have a company that was going</p> <p>9 to do something different --</p> <p>10 A. Sure.</p> <p>11 Q. -- you had to look at this differently?</p> <p>12 A. We did.</p> <p>13 Q. And you did look at it differently?</p> <p>14 A. We did.</p> <p>15 Q. And that translated into something that</p> <p>16 was going to be more efficient?</p> <p>17 A. It was, and is.</p> <p>18 Q. And is more efficient?</p> <p>19 A. (Witness nods head.)</p> <p>20 Q. You have to say "yes" or "no" on the</p> <p>21 record, I'm sorry?</p> <p>22 A. Yes, it is more efficient.</p> <p>23 MR. POPE: Although you have to ask a question</p> <p>24 before you get an answer.</p> <p>25 MR. TILLERY: We're going to be real tight</p>	<p>1 pretty big number.</p> <p>2 Q. It involved eliminating duplicate-type</p> <p>3 functions at facilities?</p> <p>4 A. For example, yes.</p> <p>5 Q. It involved eliminating and moving other</p> <p>6 employees to different corporate units?</p> <p>7 A. Sometimes.</p> <p>8 Q. I'm now just reading from some of the</p> <p>9 documents.</p> <p>10 A. Sure.</p> <p>11 Q. Would that have involved changes for</p> <p>12 people working at Syngenta Crop Protection Inc.?</p> <p>13 A. It did, yes.</p> <p>14 Q. Okay. Could Syngenta Crop Protection Inc.</p> <p>15 have refused to participate in that program upon the</p> <p>16 formation of Syngenta?</p> <p>17 MR. POPE: Objection. Which program are you</p> <p>18 talking about?</p> <p>19 MR. TILLERY: The merger cost synergy program.</p> <p>20 THE WITNESS: Well, it maybe technically could</p> <p>21 have, but it was perfectly clear to everybody involved</p> <p>22 that this was the right thing to do, and the board of</p> <p>23 Syngenta Inc. accepted that as part of the process of</p> <p>24 merger.</p> <p>25 BY MR. TILLERY:</p>
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<p>1 with that.</p> <p>2 MR. POPE: Well, I need to wake up and say</p> <p>3 something once in a while.</p> <p>4 MR. TILLERY: That's your tenth cup of coffee,</p> <p>5 Mike.</p> <p>6 MR. POPE: And needed -- every one of them</p> <p>7 needed.</p> <p>8 BY MR. TILLERY:</p> <p>9 Q. In the 2003 annual report, there's a</p> <p>10 reference to merger cost synergy program.</p> <p>11 A. Yes.</p> <p>12 Q. Do you know what that is?</p> <p>13 A. Yes.</p> <p>14 Q. What is it?</p> <p>15 A. That was the targets that we set and</p> <p>16 communicated publicly which related to how much less</p> <p>17 expensive the combined operation would be than the</p> <p>18 two legacy operations.</p> <p>19 Q. Explain that to me?</p> <p>20 A. Well, we -- from memory, we were going to</p> <p>21 run this thing on 3,000 less people than if you just did</p> <p>22 the head count of the two organizations separately,</p> <p>23 for example, and we said, as a consequence of that and</p> <p>24 other things, that we'd save upwards of \$500 million.</p> <p>25 I don't have the exact number in my head, but it was a</p>	<p>1 Q. Why don't you walk me through how they --.</p> <p>2 MR. POPE: Excuse me, one second, Steve.</p> <p>3 Would you read that last answer back? Did you mean --</p> <p>4 as part of the merger, did you mean Crop Protection</p> <p>5 Inc.?</p> <p>6 THE WITNESS: Yes, I did: Syngenta Crop</p> <p>7 Protection Inc.</p> <p>8 BY MR. TILLERY:</p> <p>9 Q. I'm sorry, that's what I thought you said.</p> <p>10 A. Yeah.</p> <p>11 MR. POPE: That's what he intended. You</p> <p>12 understood it. I was just helping clear up your record,</p> <p>13 as I like to do from time to time.</p> <p>14 BY MR. TILLERY:</p> <p>15 Q. Now, tell me how they technically could</p> <p>16 have done that, where they just said, despite the merger</p> <p>17 and formation of the new Syngenta Crop Protection Inc.</p> <p>18 from Novartis Crop Protection Inc., they just informed</p> <p>19 you, "Sorry, we're not going to do that"?</p> <p>20 A. "We're not going to do the cost reduction</p> <p>21 program"?</p> <p>22 Q. Yes, "We're not going to participate."</p> <p>23 Walk me through how that would have worked out?</p> <p>24 A. Yes, it's very difficult to, because</p> <p>25 I can't imagine how that would have occurred, especially</p>

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<p>1 as the -- there was a massive interest amongst almost 2 all employees in -- in doing this. 3 So I just -- it's very hypothetical. I can't 4 conceive they would have -- they would have called me up 5 and said, "Look, great idea, but we just don't want to 6 do that". 7 Q. Well, can you tell me how it would have 8 happened that Syngenta Crop Protection Inc. at that 9 moment could have said, "We're just not going to do 10 this"? 11 A. Well, I guess what could have happened 12 would have been that the chairman of the board at that 13 time -- 14 Q. The chairman of which board? 15 A. The Crop Protection Inc. board, and right 16 at the time of merger -- and I may need to correct 17 something on the record. I -- I was not a member -- 18 I only came on in 2001, which was -- actually, 2001 was 19 the first effective year of the company, okay, so 20 I guess -- I imagine in this hypothetical situation 21 that the chairman of that board could have said to the 22 others -- the others of us, "Look, this doesn't make 23 sense. We -- we ain't going to do it", and -- and 24 sought -- and sought for us all to agree to it. 25 Q. And who was the chairman of the board --</p>	<p>1 only way that such a position could have been taken, 2 yes. 3 Q. And who was the sole shareholder of 4 Syngenta Crop Protection Inc. at that moment? 5 A. I'm not sure. 6 Q. And how was the coordination of moneys at 7 the moment of merger in the creation of Syngenta Crop 8 Protection Inc. handled in terms of voting dividends, 9 do you know? 10 A. Well, I do know that we vote dividends 11 today as members of Crop Protection Inc.'s board. 12 Q. Right. I'm talking about at the time of 13 the merger; do you know how that would happen? 14 A. I don't. 15 Q. Okay. What is the operational program 16 that was called "operational efficiency"? 17 A. That was the program which encompassed 18 these cost-saving targets that you referred to earlier 19 on. 20 Q. Eliminating duplicate functions and jobs 21 and facilities? 22 A. Yes. Yes. 23 Q. In the April 2002 SEC filing, Syngenta 24 informed its shareholders of an accelerated synergy 25 program; do you know what that was?</p>
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<p>1 A. I -- 2 Q. -- at the merger? 3 A. Well, I think -- I don't know, but I think 4 it probably was a man called Gugger, who was head of 5 the Novartis Crop Protection business in Greensboro and 6 was -- was nominated, appointed, as head of the combined 7 business at the time of the merger. 8 Q. Are you talking about his position before 9 or after merger? 10 A. I am now talking about his position after 11 merger -- after merger. But he was appointed head of 12 the to-be-combined businesses of Zeneca and -- and 13 Syngenta, yes -- and Novartis. 14 Q. Who else was on the board of Syngenta Crop 15 Protection Inc. at the newly formed entity after merger? 16 A. Well, I was from -- from 2001. I can't 17 give you the exact month; I believe Christoph Maeder was 18 from a similar time; and may -- I don't know -- I don't 19 know for sure who the others were. 20 Q. And what you're saying is, it would have 21 taken an action of the board; right? 22 MR. POPE: Of Syngenta Crop Protection Inc.? 23 BY MR. TILLERY: 24 Q. Of Syngenta Crop Protection Inc.? 25 A. I believe that that would have been the</p>	<p>1 A. Yes, that is the -- that is the 2 cost-saving program, the operational efficiency program. 3 The merger synergies were -- was the term used 4 externally to describe what we were doing. 5 Q. I think in that same filing at page 18 you 6 said to the shareholders that Syngenta would manage its 7 supply chain globally on a product-by-product basis from 8 raw materials through to delivery to the customer? 9 A. Yes. 10 Q. Is that an accurate statement? 11 A. Yes. 12 Q. And that means there's a global control 13 and coordination of supply chains for products? 14 A. Yes. As we discussed before, the only 15 point I would emphasize is that, where it concerns local 16 formulations for local consumption, the coordination is 17 very light, if at all. 18 Q. Now, when you decided to substitute these 19 products that you talked about -- remember? 20 A. Yes, I do. 21 Q. Let's pick one of those. Let's say the 22 most readily -- heavily used one of the ones you 23 substituted. Which one would that be? 24 A. Profenophos. I'll write it down for you 25 after. It's an organophosphate. P-R-O-F-E-N-O -- it's</p>

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<p>1 either P-H or F --</p> <p>2 Q. See, you're not that much better at</p> <p>3 spelling than I am.</p> <p>4 A. I can't spelling without writing,</p> <p>5 unfortunately. I -- if I looked at it, I'd know, but</p> <p>6 we'll give it to you later.</p> <p>7 Q. All right.</p> <p>8 A. It's an insecticide.</p> <p>9 Q. Where was that sold?</p> <p>10 A. It was sold very broadly in the company at</p> <p>11 the time. We already started the -- the process of</p> <p>12 phase-outs in the Novartis legacy company, but it was by</p> <p>13 no means done, so most of it was done after.</p> <p>14 Q. Now -- well, maybe that's not a good</p> <p>15 example, then --</p> <p>16 A. Oh, okay.</p> <p>17 Q. -- if it was already started at the --</p> <p>18 A. All right.</p> <p>19 Q. -- at the Novartis company? Do you have</p> <p>20 one that was done within the corporate structure at</p> <p>21 Syngenta from beginning to end?</p> <p>22 A. I think I should point out that most of</p> <p>23 the product assets that we didn't need we sold. We</p> <p>24 divested -- we reduced the range of active ingredients</p> <p>25 from 130-something down to 80 or 75, and most of those</p>	<p>1 Q. And how many of those have happened?</p> <p>2 I'm talking about from Syngenta to now?</p> <p>3 A. Yes. I would say 15, perhaps. Ten or 15.</p> <p>4 Q. Which is the biggest, top two or three?</p> <p>5 A. The biggest that we -- well, okay, the</p> <p>6 top -- we divested a product called fluvalinate, that</p> <p>7 was required under the merger -- merger -- to get the</p> <p>8 merger approvals. We divested -- the most important one</p> <p>9 we divested was a strobilurin fungicide called</p> <p>10 trifloxystrobin, T-R-I-F-L-O-X-Y-S-T-R-O-B-I-N,</p> <p>11 trifloxystrobin. We sold that product --</p> <p>12 Q. When?</p> <p>13 A. To -- to Bayer.</p> <p>14 Q. When did you sell it?</p> <p>15 A. We actually had to sell that one before</p> <p>16 we --</p> <p>17 Q. Yeah, that was part of the merger?</p> <p>18 A. It was part of the merger.</p> <p>19 Q. I'm sure you had regulatory concerns over</p> <p>20 the merger.</p> <p>21 A. Yes, we had to deal with that, and that</p> <p>22 was a lot of what we did.</p> <p>23 Q. Excluding those. Which ones have you had</p> <p>24 to divest yourself of since the formation of Syngenta?</p> <p>25 A. Permethrin. Permethrin is --</p>
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<p>1 assets were sold. Some of them, for merger control, we</p> <p>2 had to divest anyway. So the number that were actually</p> <p>3 phased out were few. This isn't a bad example. I mean,</p> <p>4 there are other smaller ones that we also phased out.</p> <p>5 I'm just trying to -- most of these assets were sold,</p> <p>6 not phased out.</p> <p>7 Q. Do you have any that were just</p> <p>8 substituted, that weren't sold?</p> <p>9 A. Well, particularly in this insecticide</p> <p>10 field, this profenophos product was -- is a good example</p> <p>11 of one that was phased out.</p> <p>12 Q. But that was started before at Novartis?</p> <p>13 A. It was started before, correct. It was</p> <p>14 started before.</p> <p>15 Q. All right. So the ones that are sold,</p> <p>16 what's the sale? What are you talking about? You sell</p> <p>17 the technology to another company?</p> <p>18 A. Yeah, we sell the intellectual property</p> <p>19 and we sell -- yeah, in the most basic case, we sell</p> <p>20 them the rights to manufacture and market and do</p> <p>21 everything they want with that product, so it's the IP</p> <p>22 and -- and it's whatever assets go with it, inventory</p> <p>23 and --</p> <p>24 Q. Does that mean you quit using it?</p> <p>25 A. It does.</p>	<p>1 Q. Excuse me a second.</p> <p>2 A. Yes.</p> <p>3 Q. Who names these chemicals?</p> <p>4 A. There's a -- there's a group in Britain --</p> <p>5 it would have the British, right, who did that -- who</p> <p>6 approves these common names. It's a chemical name.</p> <p>7 Q. Okay. Sorry.</p> <p>8 A. That's an example of a -- of a product, we</p> <p>9 didn't have to divest it, it was very small. We sold</p> <p>10 the rights to permethrin, and there you go. I mean,</p> <p>11 that was --</p> <p>12 Q. Who did you sell them to?</p> <p>13 A. Yeah, I thought you might ask that, and I</p> <p>14 cannot recall.</p> <p>15 Q. Well, it doesn't matter. Let me just ask</p> <p>16 you: walk me through the process by which the decision</p> <p>17 was made to sell that technology?</p> <p>18 A. Actually, that was a proposal that came</p> <p>19 from the United States which said, "Look, we don't</p> <p>20 really need this. We have got other" --</p> <p>21 Q. Products?</p> <p>22 A. -- "products in the same class. We don't</p> <p>23 need it and -- and we're going to -- you know, we should</p> <p>24 divest it. It would be in our interests. We could get</p> <p>25 a small amount of money for it and -- and let's do it".</p>

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<p>1 Q. So what happened then? They made the</p> <p>2 recommendation then?</p> <p>3 A. They did.</p> <p>4 Q. Who did it -- did it come to you?</p> <p>5 A. It did.</p> <p>6 Q. And --</p> <p>7 A. It came to me on the board of -- initially</p> <p>8 on the board of -- of -- of Syngenta Crop</p> <p>9 Protection Inc.</p> <p>10 Q. And -- and were you the representative of</p> <p>11 the board, because it came up through Crop Protection,</p> <p>12 that presented that?</p> <p>13 A. I did present that proposal and this was</p> <p>14 presented for information to the executive committee as</p> <p>15 well that we wanted to do that, and had decided so to</p> <p>16 do.</p> <p>17 Q. And who decided?</p> <p>18 A. The US business.</p> <p>19 Q. Right. I'm just saying, you said it came</p> <p>20 up to you as -- on the Crop Protection --</p> <p>21 A. Inc., yes.</p> <p>22 Q. -- Crop Protection as -- in your role --</p> <p>23 A. Yeah.</p> <p>24 Q. -- and then you presented it to the</p> <p>25 executive committee?</p>	<p>1 Steve. Who is "they"? I mean, if you're talking about</p> <p>2 Syngenta Crop Protection Inc. cannot act without the</p> <p>3 board of directors' approval, of course; I don't think</p> <p>4 that's what you meant.</p> <p>5 BY MR. TILLERY:</p> <p>6 Q. Who owned that -- who owned that</p> <p>7 intellectual property?</p> <p>8 A. Yeah, who owned the IP? I'm not sure who</p> <p>9 owned the IP.</p> <p>10 Q. Is that --</p> <p>11 A. In this instance.</p> <p>12 Q. Is that Participations AG?</p> <p>13 A. I don't know who owned the IP.</p> <p>14 Q. Okay. Do you think Syngenta Crop</p> <p>15 Protection Inc. owned that intellectual property?</p> <p>16 A. I don't know. I don't know who owned the</p> <p>17 IP.</p> <p>18 Q. Okay. Are you testifying here under oath</p> <p>19 today, sir, that Syngenta Crop Protection Inc. had the</p> <p>20 authority to sell the intellectual property rights to a</p> <p>21 product line that it did not own?</p> <p>22 A. No.</p> <p>23 Q. All right.</p> <p>24 A. I don't know.</p> <p>25 Q. Okay.</p>
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<p>1 A. For information only.</p> <p>2 Q. Okay. When was the decision made?</p> <p>3 A. Boy, back in the early 2000s. It was one</p> <p>4 of the earlier ones that we did, this one.</p> <p>5 Q. And it -- the decision was made by you,</p> <p>6 and then you said you -- why did you submit it to the</p> <p>7 Syngenta executive committee?</p> <p>8 A. I told them for information. It wasn't a</p> <p>9 submission for approval, or anything like that. And, in</p> <p>10 fact, the decision was made -- the whole proposal came</p> <p>11 from the United States. That was the --</p> <p>12 Q. Where was the product being sold?</p> <p>13 A. Predominantly in the United States.</p> <p>14 Q. So what you're saying is -- is that any of</p> <p>15 the subsidiaries can sell the technology of the company</p> <p>16 without even talking to you?</p> <p>17 A. No, I'm giving you -- I'm giving you some</p> <p>18 comments on this particular one.</p> <p>19 Q. Okay. Well, could they sell it?</p> <p>20 A. Well, I'm on the Syngenta Crop</p> <p>21 Protection Inc. board, so I hope not.</p> <p>22 Q. You don't think so? They couldn't do</p> <p>23 that?</p> <p>24 A. No, because --</p> <p>25 MR. POPE: Wait, wait, wait, let's clarify,</p>	<p>1 MR. TILLERY: Are we going to have lunch soon?</p> <p>2 MR. POPE: We normally have lunch.</p> <p>3 THE WITNESS: It's a bit early.</p> <p>4 MR. TILLERY: Do you want to do that now or do</p> <p>5 you want to keep going?</p> <p>6 MR. POPE: It's totally up -- totally up to</p> <p>7 you.</p> <p>8 MR. TILLERY: What would be your preference,</p> <p>9 sir?</p> <p>10 THE WITNESS: I'm happy to keep going for</p> <p>11 another 20 minutes or so.</p> <p>12 MR. TILLERY: Okay. Let's do that.</p> <p>13 BY MR. TILLERY:</p> <p>14 Q. Do you have any other examples of</p> <p>15 discontinued products?</p> <p>16 A. Yeah, we're dealing with one right now,</p> <p>17 which is another insecticide, and we are on the point</p> <p>18 of -- of divesting the right to sell that product in</p> <p>19 Japan, and we are dealing with that one might now.</p> <p>20 Q. Who owns the rights to sell it?</p> <p>21 MR. POPE: To sell the product, you mean?</p> <p>22 BY MR. TILLERY:</p> <p>23 Q. The product. Who owns the right, the</p> <p>24 intellectual property rights?</p> <p>25 MR. POPE: Well, those are two different</p>

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<p>1 things, I think, Steve. I object to the question.</p> <p>2 THE WITNESS: I cannot tell you which legal</p> <p>3 entity owns those IP rights. I cannot tell you.</p> <p>4 BY MR. TILLERY:</p> <p>5 Q. Do you know of a subsidiary who owns any</p> <p>6 intellectual property rights to a chemical that's sold</p> <p>7 within the Syngenta umbrella besides Syngenta AG or</p> <p>8 Syngenta Participations?</p> <p>9 A. From a viewpoint of legal entity, I am</p> <p>10 very poorly informed on where these IP assets are held.</p> <p>11 Q. So you don't know the answer to my</p> <p>12 question?</p> <p>13 A. I don't.</p> <p>14 Q. Now, we were talking about your role.</p> <p>15 You discussed your role at the beginning of -- of</p> <p>16 Syngenta formation. You were discussing your role in</p> <p>17 the transition. What job did you occupy at the very</p> <p>18 beginning of the formation of Syngenta?</p> <p>19 A. Essentially, the one I hold today.</p> <p>20 Q. Has there been any change in your job</p> <p>21 title or responsibility?</p> <p>22 A. Responsibility. Not in my job title, but</p> <p>23 in my responsibility, yes.</p> <p>24 Q. How has it changed?</p> <p>25 A. At the start of the company and for a</p>	<p>1 years?</p> <p>2 A. It's now part of R&D under Sandro Aruffo.</p> <p>3 So it's different.</p> <p>4 Q. When did that change occur?</p> <p>5 A. It occurred -- it occurred five or six</p> <p>6 years ago.</p> <p>7 Q. Who did Lewis Smith work for?</p> <p>8 A. He reported to me.</p> <p>9 Q. Who did he -- who was his company</p> <p>10 employer?</p> <p>11 A. Either -- I'm not -- I'm not sure.</p> <p>12 I'm not sure.</p> <p>13 Q. Did he work for a Basel company?</p> <p>14 A. He -- he moved from the UK to Basel and he</p> <p>15 was based in Basel, so I believe so.</p> <p>16 Q. You don't know for sure?</p> <p>17 A. I don't know for sure.</p> <p>18 Q. And when did he retire?</p> <p>19 A. He's not fully retired, but he -- he</p> <p>20 actually ceased that role at the time that the -- the</p> <p>21 function left my responsibility and became part of R&D.</p> <p>22 He -- he stopped doing that.</p> <p>23 Q. Okay. And tell me what other changes</p> <p>24 occurred in your responsibility?</p> <p>25 A. Okay. So up until four years ago, I had</p>
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<p>1 period of five years, I had responsibility for product</p> <p>2 development directly. The -- the function of R&D</p> <p>3 collectively did not exist at that time. I had</p> <p>4 Crop Protection development as part of my</p> <p>5 responsibility.</p> <p>6 Q. And which products?</p> <p>7 A. All of them.</p> <p>8 Q. All them sold by the agrochem business?</p> <p>9 A. Yes.</p> <p>10 Q. And who was in that committee -- what was</p> <p>11 that committee -- strike that.</p> <p>12 What was that committee called?</p> <p>13 A. We dealt with it at the crop protection</p> <p>14 leadership team level, development matters, and my head</p> <p>15 of development at the time had his own committee.</p> <p>16 Q. Who was that?</p> <p>17 A. Initially -- well, the last incumbent of</p> <p>18 that role was Lewis Smith. He was the man who -- at the</p> <p>19 time the change occurred, he was in charge of</p> <p>20 development --</p> <p>21 Q. And --</p> <p>22 A. -- reporting to me.</p> <p>23 Q. And where is he now?</p> <p>24 A. He's semi-retired.</p> <p>25 Q. And how has this changed over the last few</p>	<p>1 responsibility also for what we call professional</p> <p>2 products. Professional products are -- includes seed</p> <p>3 treatments, which I still have, but it also includes</p> <p>4 products for lawn and garden and golf courses and</p> <p>5 non-crop products. That we now call lawn and garden,</p> <p>6 and that is the responsibility of Robert Berendes, and,</p> <p>7 by the way, I should have named him as a member of the</p> <p>8 SEC. I failed to do that. Robert Berendes. He is head</p> <p>9 of business development and he is also head of lawn and</p> <p>10 garden.</p> <p>11 Q. As a member of "S"?</p> <p>12 A. He's a member of the Syngenta executive</p> <p>13 committee as well.</p> <p>14 Q. I see. I see.</p> <p>15 A. I should have --</p> <p>16 Q. Do you know who he's employed by?</p> <p>17 A. International. Syngenta International AG.</p> <p>18 Q. Any other changes in your responsibility?</p> <p>19 A. No, those were the two changes.</p> <p>20 Q. Any change in terms of board positions?</p> <p>21 Which boards --</p> <p>22 A. No.</p> <p>23 Q. Strike that.</p> <p>24 Which boards do you sit on today?</p> <p>25 A. I sit on Syngenta Crop Protection AG,</p>

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<p>1 Syngenta Crop Protection Inc. and Asia-Pacific --</p> <p>2 Syngenta Asia-Pacific Pte, the Singapore entity: three.</p> <p>3 Q. Syngenta Crop -- I'm sorry, the executive</p> <p>4 committee that you serve on? The Syngenta executive</p> <p>5 committee?</p> <p>6 A. I sit on that too, yes.</p> <p>7 Q. Right. Can you tell me what entity that</p> <p>8 Syngenta executive committee is connected to?</p> <p>9 A. Connected to Syngenta AG.</p> <p>10 Q. Do you know how?</p> <p>11 A. No.</p> <p>12 Q. Were you one of the original members of</p> <p>13 the Syngenta executive committee?</p> <p>14 A. I was.</p> <p>15 Q. Was that planned from the beginning,</p> <p>16 at the formation of the company?</p> <p>17 A. Yes, it was.</p> <p>18 MR. TILLERY: Now would probably be a good</p> <p>19 time to break.</p> <p>20 THE WITNESS: Okay.</p> <p>21 THE VIDEOGRAPHER: Going off the record.</p> <p>22 The time is 12:18.</p> <p>23 End of tape 2, volume I of the videotaped</p> <p>24 deposition of John Atkin.</p> <p>25 (12:18 p.m.)</p>	<p>1 for example, that -- that is paid for within the</p> <p>2 Crop Protection Inc. --</p> <p>3 Q. I'm talking about -- I move to strike that</p> <p>4 as unresponsive.</p> <p>5 Who would -- who would pay the \$200 million</p> <p>6 that you talked about? I'm not talking about field</p> <p>7 development, sir. I'm talking about the 200 million to</p> <p>8 bring a product to market. Who pays that?</p> <p>9 A. That includes field development.</p> <p>10 Q. Okay. If that includes -- it costs</p> <p>11 200 million for field development?</p> <p>12 A. No, no, no.</p> <p>13 Q. Okay. So who pays the 200 million?</p> <p>14 A. It's in all sorts of different places and</p> <p>15 all sorts of different amounts and relates to some fixed</p> <p>16 costs, some variable costs. I mean, it's a -- it's a --</p> <p>17 it's a lot of small things which amount to that -- to</p> <p>18 that amount.</p> <p>19 Q. Well, let's do it this way, then.</p> <p>20 The first stage, what's that first stage called?</p> <p>21 MR. POPE: What product?</p> <p>22 BY MR. TILLERY:</p> <p>23 Q. Any product.</p> <p>24 A. Stage 1.</p> <p>25 Q. New product development.</p>
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<p>1 (Lunch recess.)</p> <p>2 (1:11 p.m.)</p> <p>3 THE VIDEOGRAPHER: Here begins videotape</p> <p>4 number 3, volume I in the videotaped deposition of</p> <p>5 John Atkin. Going on the record. The time is 13:11.</p> <p>6 Thank you.</p> <p>7 BY MR. TILLERY:</p> <p>8 Q. Earlier today, you talked about, I think,</p> <p>9 roughly 10 percent of Syngenta's budget being allocated</p> <p>10 to new product development; is that correct?</p> <p>11 A. For the company overall, it's --</p> <p>12 Q. For the company overall.</p> <p>13 A. It is closer to 9, but it's in that</p> <p>14 region.</p> <p>15 Q. Closer to 9 percent?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And you had talked about, in some</p> <p>18 different times throughout your testimony, that bringing</p> <p>19 a product to market may take a certain number of</p> <p>20 dollars -- \$200 million, or something like that.</p> <p>21 Who pays that \$200 million when the product is brought</p> <p>22 to market?</p> <p>23 A. I cannot answer from a legal entity</p> <p>24 standpoint; I cannot. Part of it, though -- what I can</p> <p>25 say, if it is field development in the United States,</p>	<p>1 A. Stage 1.</p> <p>2 Q. Stage 1. Right.</p> <p>3 A. That would -- that would take place in --</p> <p>4 in Stein and that would take place in Jealott's Hill,</p> <p>5 and that's -- and I explained to you that I didn't know</p> <p>6 which legal entity those two operations were part of.</p> <p>7 Q. Okay. But let's say of the 200 million,</p> <p>8 where would -- what -- strike that.</p> <p>9 Of the 200 million you talked about, from</p> <p>10 beginning to end for new product development, who would</p> <p>11 pay the first stage for product development in one of</p> <p>12 those two facilities, Stein or Jealott's Hill?</p> <p>13 MR. POPE: Objection to the form of the</p> <p>14 question.</p> <p>15 THE WITNESS: It's -- it's almost entirely</p> <p>16 fixed costs, so it's the time allocation of the people</p> <p>17 working at those research stations, so that would be</p> <p>18 showing up in whichever legal entity they are part of.</p> <p>19 BY MR. TILLERY:</p> <p>20 Q. And -- and is there any allocation of that</p> <p>21 to anyone else or any other entity in the umbrella of</p> <p>22 Syngenta entities?</p> <p>23 A. No, it is not allocated out of the</p> <p>24 country -- or territory entities. It is not allocated</p> <p>25 to country or territory entities.</p>

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<p>1 Q. So whichever entity effectively owns 2 Jealott's Hill or Stein would be accountable for that 3 cost? 4 A. It would, and then it comes into my line, 5 the crop protection P&L, the crop protection income 6 statement is where it would -- for me, I get a view of 7 it in the crop protection income statement. 8 Q. Explain that to me? 9 A. Last year, on R&D in the crop protection 10 income statement, there was around 500-and-some million 11 dollars of expenditure. 12 Q. And you're talking about which crop 13 protection? 14 A. I'm talking about the consolidated income 15 statement which I get. 16 Q. Okay. But I'm just saying, that comes 17 under a consolidated income statement, but where was 18 that particular charge taken or cost accounted for? 19 With which entity? 20 A. Yeah. I have to keep telling you that 21 I don't know the legal entity structures well enough to 22 tell you where that was accounted for. I just don't. 23 Q. On the documents that you saw, the 24 500-plus million dollars, where did it show that it was 25 being allocated on those documents?</p>	<p>1 Jealott's Hill? 2 A. In plots that we have outside. 3 Q. And what is the cost of field testing at 4 Jealott's Hill? 5 A. I don't know. I don't know. 6 Q. And how is the cost of field testing 7 allocated? To which entity? 8 A. I don't know which entity it's allocated 9 to. 10 Q. Okay. In -- in terms of the four steps of 11 \$200 million, you said, from beginning to end, can you 12 give me a percentage of that total allocated to each of 13 the four steps in the usual circumstance? 14 A. Okay. I would say that 70 percent or more 15 is in stage 3. 16 Q. And what about the remaining steps? 17 A. Perhaps 20 percent in stage 2 and 10 in 18 stage 1. These are estimates. 19 Q. And where is the -- where is the 20 field testing done in the US? 21 A. Vero Beach. If it's an early stage 22 compound, we have a field research station at 23 Vero Beach, Florida. 24 Q. And what is the third stage of the 25 process?</p>
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<p>1 A. It didn't -- it showed it in the 2 consolidated P&L, the consolidated income statement. 3 Q. Okay. And now let's go to the second 4 stage. What is that stage? 5 A. Stage 2. 6 Q. Yes, what is it? 7 A. It's testing -- either extended greenhouse 8 testing or limited small plot field trials and some 9 toxicology. 10 Q. Okay. And what is the -- what is the very 11 last product that you've put to field testing? 12 A. There are many products. 13 Q. No, the last one, sir. Which is the last 14 one that's just gone out for field testing? 15 A. In stage 2? 16 Q. Yes. 17 A. Chronologically, I couldn't be certain, 18 but we have -- we have a product called Dash, coded Dash 19 at that stage, for example. 20 Q. Okay. And do you know where it's been 21 field tested? 22 A. It's been field tested at Jealott's Hill 23 and it has been subjected to some field testing, 24 I believe, in the United States as well. 25 Q. Where -- how is it field tested at</p>	<p>1 A. The third stage of the process involves 2 all the product safety or toxicology testing, 3 environmental safety testing and large-scale field 4 testing. 5 Q. And the environmental testing, where is 6 that done? 7 A. Some of that is carried out at our 8 locations in Stein and in Jealott's Hill, but some of it 9 is carried out in territories -- other territories 10 around the world. 11 Q. Including the United States? 12 A. Including the United States. 13 Q. Where is it done in the United States? 14 A. Environmental work, quite a bit of that is 15 done under contract. So we would subcontract to 16 specialist organizations environmental testing. We tend 17 to do that either in Europe or in the United States. 18 Q. Okay. If it's done in the United States, 19 with whom would you contract? 20 A. I don't know the names of these 21 organizations that we contract to. 22 Q. Could you tell me how they go about this 23 process? 24 A. Yes. We would -- we would define the sort 25 of studies that we want doing. The contract lab would</p>

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<p>1 build that into a protocol and a proposal with a cost, 2 and maybe there would be two, probably two or maximum 3 three, labs who would make the proposal to us, and our 4 scientists would pick the one which represented the best 5 mix of quality and price. 6 Q. And who are the scientists who would make 7 that call? 8 A. Scientists in the product safety 9 organization. The organization that -- that I earlier 10 discussed is toxicology, which is headed up by 11 Peter Hertl. 12 Q. So would the -- the scientists there would 13 be at Basel? 14 A. The scientists would be in Basel or in the 15 United States. The studies we contract in the 16 United States, the people in the United States, 17 are perfectly able to contract those studies themselves, 18 I believe. 19 Q. Right. Whether they are able to or not -- 20 A. They do. 21 Q. Okay. And who -- who is the contract with 22 when you contract out in this third stage? Who signs 23 the contract? 24 A. The -- the professionals who work in 25 product safety.</p>	<p>1 A. In the United States, no. 2 Q. Do you know of -- strike that. 3 Would you recognize the names if you heard 4 them? 5 A. I might do. I certainly know one in 6 Europe reasonably well. 7 Q. Which -- 8 A. RCC. 9 Q. And what is that, I'm sorry? 10 A. RCC. 11 Q. What does it stand for? 12 A. I don't know, but I know it's called RCC 13 and I know they do contract -- toxicological product 14 safety type work. 15 Q. And in the United States, you don't know 16 where the contractors are? 17 A. I do not. 18 Q. Who would keep a record of that? 19 A. The product safety department. 20 Q. Where? 21 A. In Greensboro and in Europe. 22 Q. And would that third stage include 23 field work? 24 A. It would. It does. 25 Q. And what field work would be involved?</p>
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<p>1 Q. Right. With whom do they contract? 2 A. With the third party. 3 Q. Yes. But who is the third party 4 contracting with? What entity? 5 A. Ah, okay. We're coming back to the legal 6 entity. I -- if it's in the United States, I assume 7 that it's Crop Protection -- Syngenta Crop 8 Protection Inc., I assume. 9 Q. But you don't know? 10 A. I don't know. 11 Q. Okay. And let me ask you, would some of 12 the work that would be done in this third stage involve 13 university testing? 14 A. It could. It could. 15 Q. And -- and are you familiar with some of 16 the contractors that have been retained to do this? 17 A. Earlier in my career, I was directly 18 involved in contracting work to be done. 19 Q. Are you talking about earlier in your 20 career at Syngenta? 21 A. No. 22 Q. Okay. I'm talking about at Syngenta now? 23 A. No, I'm not familiar. 24 Q. Okay. You don't know any of them in the 25 United States?</p>	<p>1 A. Most of this field work we would carry out 2 ourselves, and it would involve testing the product on 3 farmers' fields where the farmer enters into a -- a 4 cooperation with us to evaluate these products, and we'd 5 either rent a piece of his field, or sometimes not, and 6 we'd -- we'd set up our trials. 7 Q. And do you do that with agricultural 8 departments of universities as well? 9 A. It is done -- sometimes they do it 10 independently, anyway, of their own volition. 11 Q. On products that you were getting to 12 market? How would they have access to your products, 13 a new molecule? 14 A. Well, they'll do it with products just 15 after launch, for example, when they can have free 16 access to it or -- 17 Q. Remember, I'm talking about part of the 18 three-part process. 19 MR. POPE: Please don't interrupt, Steve. 20 MR. TILLERY: He's going down the wrong path. 21 MR. POPE: Even so, let him go down the path 22 and you can correct him. 23 THE WITNESS: Let me go down the right path. 24 BY MR. TILLERY: 25 Q. Remember I'm talking about the three-part</p>

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<p>1 step.</p> <p>2 A. Okay.</p> <p>3 Q. They wouldn't have the molecule unless you</p> <p>4 gave it to them, would they?</p> <p>5 A. Correct.</p> <p>6 Q. All right. So let's talk about a</p> <p>7 situation -- let's stay focused on the three-part</p> <p>8 process, if we can. In the three-part process, in that</p> <p>9 third step, would universities be involved in the field</p> <p>10 testing?</p> <p>11 A. They could be. They could be.</p> <p>12 Q. How could they be?</p> <p>13 A. Because we ask them to be or because they</p> <p>14 learned about the product and they wanted to be.</p> <p>15 Q. Would they -- how would they learn about</p> <p>16 it before you launched the product?</p> <p>17 A. Because we publish our pipeline.</p> <p>18 Q. Before you go out?</p> <p>19 A. No, but we publish our pipeline whilst</p> <p>20 products are still in stage 3 and sometimes whilst</p> <p>21 they're in stage 2.</p> <p>22 Q. And do you do this before you have filed</p> <p>23 before patent protection?</p> <p>24 A. No.</p> <p>25 Q. When do you file for patent protection?</p>	<p>1 Q. Do you believe that a single entity owns</p> <p>2 the intellectual property rights to developed products?</p> <p>3 A. For all our developed products around the</p> <p>4 world?</p> <p>5 Q. Yes.</p> <p>6 A. I don't believe so, but I don't know.</p> <p>7 Q. You think that they could be owned by</p> <p>8 different entities?</p> <p>9 A. I think they could be.</p> <p>10 Q. By more? You don't know?</p> <p>11 A. I don't know.</p> <p>12 Q. Who would you get on the phone if you --</p> <p>13 if you had this phone right here on the table, who would</p> <p>14 you call to answer that question?</p> <p>15 A. I'd call the -- I'd call my colleague,</p> <p>16 Sandro Aruffo, head of R&D.</p> <p>17 Q. Why would you call her?</p> <p>18 A. Him.</p> <p>19 Q. Him.</p> <p>20 A. Because he's head of R&D. Therefore, he</p> <p>21 has responsibility for the whole research and</p> <p>22 development process.</p> <p>23 Q. And you're not familiar or you are</p> <p>24 familiar with the filing process in the United States</p> <p>25 for patent protection on a new molecule?</p>
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<p>1 A. As early as possible in the process.</p> <p>2 Q. And after the molecule is found to be</p> <p>3 stable?</p> <p>4 A. It could be at that point, but that</p> <p>5 wouldn't mark the end of the filing. The filing would</p> <p>6 continue, depending on what was patentable or what we</p> <p>7 felt should be filed.</p> <p>8 Q. With whom would you file the patent?</p> <p>9 A. With the relevant authorities in countries</p> <p>10 around the world.</p> <p>11 Q. Well, would you file in the United States</p> <p>12 for protection?</p> <p>13 A. Yes.</p> <p>14 Q. With the United States Patent Office?</p> <p>15 A. Yes.</p> <p>16 Q. Who would file for that?</p> <p>17 A. I'm not sure whether it would be our local</p> <p>18 professionals or it would be done from Basel. I'm not</p> <p>19 sure.</p> <p>20 Q. And you're unaware of the fact that a</p> <p>21 particular entity owns the patent rights to your</p> <p>22 developed molecules?</p> <p>23 A. I'm not unaware of the fact that they are</p> <p>24 owned by particular entities, but I don't know which</p> <p>25 entities own which molecule IP.</p>	<p>1 A. No, I'm not familiar. I am not</p> <p>2 responsible for R&D and I am not familiar with that</p> <p>3 process.</p> <p>4 Q. And you don't know which of the Syngenta</p> <p>5 entities is filing for protection?</p> <p>6 A. I'm not sure. No.</p> <p>7 Q. Okay. And you said universities could do</p> <p>8 the field testing under one of the two conditions that</p> <p>9 you outlined: either they did it on their own --</p> <p>10 A. Yes.</p> <p>11 Q. -- because they learned after you'd filed?</p> <p>12 A. Yes.</p> <p>13 Q. And that would be while the patent was</p> <p>14 pending, probably, wouldn't it?</p> <p>15 A. It could be. I imagine it could be.</p> <p>16 I say "I imagine" because I am not -- I cannot quote you</p> <p>17 specific cases, but I do believe that that is the case,</p> <p>18 yes.</p> <p>19 Q. And this is before a patent has been</p> <p>20 issue, perhaps?</p> <p>21 A. Yes, it could be.</p> <p>22 Q. All right. But you would, of course, get</p> <p>23 patent protection once it was finally issued?</p> <p>24 A. Yes.</p> <p>25 Q. All right. Now, in the process of</p>

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<p>1 granting patent protection in the United States, do you 2 know who is ultimately assigned the patent protective 3 rights? 4 A. No. 5 Q. Do you know of any universities in the 6 United States which have undertaken field testing in the 7 third part of this four-part process? 8 A. I could have -- no, I don't know for sure. 9 Q. Were you aware of the fact that the 10 University of Illinois has been retained to do field 11 testing for your products? 12 A. I wasn't aware, but I'm not surprised. 13 Q. Why? 14 A. Because Illinois is an important state for 15 agriculture, and for corn and soybeans in particular. 16 Q. That's a term -- that's a name you're not 17 unfamiliar with; correct? 18 A. Illinois? 19 Q. Yes, University of Illinois. 20 A. No, I'm not unfamiliar with it. 21 Q. How are you familiar with their 22 organization? 23 A. I'm not familiar with the organization at 24 all, but I know -- I've heard the name before. 25 Q. You're familiar with the school by</p>	<p>1 Q. Can you tell me what this document is? 2 A. It's called "Principles, concepts -- 3 development principles, concepts and processes". 4 Q. Are you familiar with it? 5 A. No. 6 Q. Do you want to look at it and see if you 7 are? 8 A. Sure. 9 Q. And if -- if you'll note that the copies, 10 as you go through, or parts of them are cut off. I will 11 point out to you that that is precisely the way it was 12 presented to us -- 13 A. Mmm-hmm. 14 Q. -- delivered to us as a copy. The one 15 I have here marked as 9 shows 57 pages. Is that your -- 16 the same as yours? 17 A. It is. 18 Q. Is this a PowerPoint presentation of some 19 sort, does it look like? 20 A. It appears to be so, yes. 21 Q. Does this exhibit 9 describe Syngenta Crop 22 Protection's product development process prior to the 23 restructuring of that function in 2005? 24 MR. POPE: I object to the form. I don't 25 think you've identified whether he's ever seen this</p>
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<p>1 reputation? 2 A. Yes. 3 Q. Do you know how that other 30 percent in 4 the four-step process breaks down among the remaining 5 three steps? 6 A. I think I said -- I estimated 20 percent 7 in stage 2 and 10 percent in stage 1, but that's purely 8 my -- my estimate, based on what I know, which isn't 9 complete. 10 Q. And in these other states -- strike that. 11 In these other stages, you're not familiar with 12 the allocation of cost associated with the different 13 testing levels -- for example, the toxicological 14 testing? 15 A. I'm not -- I'm not familiar with how it is 16 allocated to legal entities, no. 17 (Exhibit 9 marked for identification.) 18 BY MR. TILLERY: 19 Q. I'm going to hand you what has been marked 20 as exhibit number 9. 21 A. Okay. 22 Q. If you could hand a copy to Mr. Pope. 23 He actually ought to take the other one, so you can 24 reference that number. 25 A. Right.</p>	<p>1 before. 2 MR. TILLERY: It doesn't matter for my 3 question. 4 MR. POPE: Yeah, you've got to have a 5 foundation. You have to have a foundation to ask a 6 question. 7 MR. TILLERY: Not for my question it doesn't. 8 MR. POPE: Yes, it is. 9 MR. TILLERY: No, I do not. 10 MR. POPE: I object to the form. 11 BY MR. TILLERY: 12 Q. Go ahead, sir. 13 A. It appears to describe the process right 14 at the very start of the company. 15 Q. That's -- that's what I was asking. 16 That's the process. This is a document that describes 17 the process that changed later. Was there -- what was 18 the date of the change? 19 A. The change related to when it -- the 20 development process did not report to me anymore. 21 Q. Yes. 22 A. That happened 2004, I think. 23 Q. Does that exhibit describe the roles and 24 responsibilities in the product development process that 25 were assigned to certain groups within Syngenta Crop</p>

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<p>1 Protection prior to that change?</p> <p>2 A. I'm not sure. It describes principles,</p> <p>3 concepts and processes. I didn't -- I didn't study it</p> <p>4 closely enough to know if it does what you say.</p> <p>5 Q. Can you take a look at it and see?</p> <p>6 Take your time and look at it.</p> <p>7 A. What -- can you repeat the question?</p> <p>8 Q. Yes: does it describe the roles and</p> <p>9 responsibilities in product development that were</p> <p>10 assigned to different groups within the Syngenta Crop</p> <p>11 Protection division?</p> <p>12 A. It appears to describe the jobs held by</p> <p>13 individuals in product development, as a --</p> <p>14 Q. And accurate at that time, from creation</p> <p>15 to 2004 when that role changed?</p> <p>16 A. I would have to spend some time, because</p> <p>17 we did improve the -- "improve"; we did change the</p> <p>18 process of development when it reported to me. I did --</p> <p>19 took -- I took a glance at some of the time lines in</p> <p>20 here for stage 1, 2 and 3, and we shortened -- we were</p> <p>21 able to shorten some of these time lines. It was a</p> <p>22 project we ran to do so.</p> <p>23 Q. When did you do that?</p> <p>24 A. Right around the time that -- that the</p> <p>25 responsibility left me and went to R&D.</p>	<p>1 A. It is.</p> <p>2 Q. What Syngenta group company was</p> <p>3 Derek Cornes' employer at the time of the request?</p> <p>4 A. Derek Cornes. He was based in Basel at</p> <p>5 that time, so it would probably be Syngenta Crop</p> <p>6 Protection AG, probably, but I cannot say for sure.</p> <p>7 Q. What Syngenta group company was</p> <p>8 Charlotte Croudace's employer at the time of the</p> <p>9 request?</p> <p>10 A. I don't know. I don't know this lady.</p> <p>11 Q. What Syngenta group company was</p> <p>12 Judy Garrett's employer at the time of the request?</p> <p>13 A. Probably the same as Derek Cornes.</p> <p>14 Q. Which would be?</p> <p>15 A. Syngenta Crop Protection AG. I don't know</p> <p>16 for sure.</p> <p>17 Q. And who was Hans Weber's employer at the</p> <p>18 time of the request?</p> <p>19 A. He was also Basel-based, so probably</p> <p>20 Syngenta Crop Protection AG, but I'm not sure.</p> <p>21 Q. To whom was this request submitted?</p> <p>22 A. This would have been submitted in the</p> <p>23 first instance to the development committee.</p> <p>24 Q. Which development committee?</p> <p>25 A. The global development committee.</p>
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<p>1 Q. So from the inception of the company until</p> <p>2 that time, is it an accurate description of the product</p> <p>3 development process, as far as you know?</p> <p>4 A. As far as I know, yes.</p> <p>5 Q. Yes. Does it accurately describe the</p> <p>6 roles and responsibilities of people in the product</p> <p>7 development process?</p> <p>8 A. As far as I know, but I haven't -- I would</p> <p>9 have to really cross-check it to be sure. I mean, I --</p> <p>10 as far as I know.</p> <p>11 Q. I -- I want to represent to you, this</p> <p>12 isn't something that I created. It was something that</p> <p>13 was given to me in production?</p> <p>14 A. Fine.</p> <p>15 Q. Okay. I just want to make sure --</p> <p>16 A. That's right, and -- and if -- if there's</p> <p>17 nothing erroneous in here, then I -- I believe it to be</p> <p>18 correct.</p> <p>19 Q. All right.</p> <p>20 (Exhibit 10 marked for identification.)</p> <p>21 BY MR. TILLERY:</p> <p>22 Q. I'll hand you exhibit number 10 and ask</p> <p>23 you to take a look at it. Is that an executive summary</p> <p>24 of a 2001 request for the release for first sales of a</p> <p>25 selective herbicide called mesotrione?</p>	<p>1 Q. Global development committee of</p> <p>2 crop protection that you head up?</p> <p>3 A. No, I don't head that up. It's headed up</p> <p>4 by Gerardo Ramos now. It's headed up by the head of</p> <p>5 development. I don't head that one up.</p> <p>6 Q. And this is in Basel?</p> <p>7 A. Yes.</p> <p>8 Q. And then what would the process have been</p> <p>9 after they looked at it?</p> <p>10 MR. POPE: Objection to the form of the</p> <p>11 question.</p> <p>12 THE WITNESS: It would probably -- it would</p> <p>13 probably have come to the crop protection leadership</p> <p>14 team.</p> <p>15 BY MR. TILLERY:</p> <p>16 Q. And who was that? You at its head?</p> <p>17 A. Yes.</p> <p>18 Q. Was it approved?</p> <p>19 A. It was approved for first sales.</p> <p>20 Q. And did your crop protection leadership</p> <p>21 team approve it?</p> <p>22 A. I'm not sure. And the reason I'm not sure</p> <p>23 is that sometimes we didn't review all the -- we review</p> <p>24 all the promotions from stage 2 to stage 3, but at that</p> <p>25 time we didn't review formally all the first sales</p>

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<p>1 proposals.</p> <p>2 Q. If it wasn't your group that approved it,</p> <p>3 then global had the final word?</p> <p>4 A. The development committee would have had</p> <p>5 the final word, alongside the local affiliated</p> <p>6 development committees, who would also approve it.</p> <p>7 Q. And who would have paid for it to be</p> <p>8 produced?</p> <p>9 A. The document?</p> <p>10 Q. No, the product.</p> <p>11 A. I think we touched on that before. From a</p> <p>12 legal entity standpoint, I don't know.</p> <p>13 Q. Was this a product that was sold in the</p> <p>14 United States?</p> <p>15 A. Yes.</p> <p>16 Q. Was it sold in the state of Illinois?</p> <p>17 A. Yes.</p> <p>18 Q. Is it still being sold in the state of</p> <p>19 Illinois?</p> <p>20 A. It is.</p> <p>21 Q. Do you know in what volume it's being sold</p> <p>22 in the state of Illinois?</p> <p>23 A. I don't know the volume that's being sold</p> <p>24 in the state of Illinois, no.</p> <p>25 Q. Who owns the intellectual property rights</p>	<p>1 BY MR. TILLERY:</p> <p>2 Q. I'm going to hand you what's been marked</p> <p>3 as exhibit 11.</p> <p>4 A. Yes.</p> <p>5 Q. Does this exhibit 11 reflect the Syngenta</p> <p>6 Crop Protection development committee's recommendation</p> <p>7 for release to first sales of mesotrione?</p> <p>8 A. Yes.</p> <p>9 Q. Does the application -- that's what the</p> <p>10 document's called; right?</p> <p>11 A. (Witness nods head.)</p> <p>12 Q. Who's the application to?</p> <p>13 A. To the development committee.</p> <p>14 Q. The application is to the development</p> <p>15 committee and the development committee's making the</p> <p>16 recommendation in the same document?</p> <p>17 A. Yes, I think that's right, because the</p> <p>18 development -- what the development committee is saying</p> <p>19 is there is no reason why this cannot go ahead and be</p> <p>20 sold, but the decision to put it in packs and bottles</p> <p>21 and to provide it to customers has to be taken by a</p> <p>22 local entity.</p> <p>23 Q. Does the application describe Judy Garrett</p> <p>24 as the leader of the respective team?</p> <p>25 A. It describes her as having provided the</p>
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<p>1 to this product?</p> <p>2 A. I don't know.</p> <p>3 Q. What are the US sales of this product?</p> <p>4 A. This particular version of this product,</p> <p>5 the sales are probably less than \$100 million, but</p> <p>6 I can't -- we subsequently developed a range of mixtures</p> <p>7 involving the same technology. Collectively, it's much</p> <p>8 more than that.</p> <p>9 Q. Much more than 100 million?</p> <p>10 A. Yes.</p> <p>11 Q. Today?</p> <p>12 A. Yes.</p> <p>13 Q. And what percentage of that is in</p> <p>14 Illinois?</p> <p>15 A. I don't know.</p> <p>16 Q. When you do a general thumbnail estimate</p> <p>17 of sales dealing with corn crops in the US, do you</p> <p>18 mentally have an understanding of where sales will</p> <p>19 normally come out per state in the corn belt?</p> <p>20 A. Me, no, but certainly the operating unit</p> <p>21 in -- in Greensboro will have a -- a view of that.</p> <p>22 Q. What farm product, crop product, is this</p> <p>23 chemical used on?</p> <p>24 A. It's used on corn.</p> <p>25 (Exhibit 11 marked for identification.)</p>	<p>1 market overview, it seems. But it also -- it also says</p> <p>2 that she's a leader, it also says "Leader of respective</p> <p>3 team".</p> <p>4 Q. What team does that refer?</p> <p>5 A. The corn team.</p> <p>6 Q. The what team?</p> <p>7 A. The global corn team, from a marketing</p> <p>8 perspective.</p> <p>9 Q. What is the global corn team?</p> <p>10 A. That is a product leadership team.</p> <p>11 She worked for our global marketing group and she is the</p> <p>12 marketing person who headed up that product leadership</p> <p>13 team.</p> <p>14 Q. Well, tell me more about this global</p> <p>15 marketing group for corn. Where is it headed up?</p> <p>16 In Basel?</p> <p>17 A. In Basel.</p> <p>18 Q. And -- and she was the head of that group?</p> <p>19 A. She was, yes.</p> <p>20 Q. And is she still the head of it?</p> <p>21 A. No.</p> <p>22 Q. Who is now?</p> <p>23 A. Dave Elser.</p> <p>24 Q. And is it still located in Basel, the</p> <p>25 group?</p>

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<p>1 A. The head of the team is located in Basel.</p> <p>2 Q. Who else is on the team?</p> <p>3 A. Representatives of all the involved</p> <p>4 functions, so product development, manufacturing,</p> <p>5 research; whoever -- formulation people who need to</p> <p>6 be -- who need to help to get this thing to first sales,</p> <p>7 and they have extended -- extended teams which sometimes</p> <p>8 extend into the territories so we make sure it's</p> <p>9 properly coordinated.</p> <p>10 Q. The other team members, are they from all</p> <p>11 over the world?</p> <p>12 A. The extended team members, to the extent</p> <p>13 that they are involved, are from -- from international</p> <p>14 locations, yes.</p> <p>15 Q. The immediate team members, where are they</p> <p>16 from?</p> <p>17 A. Immediate team members, on the whole, are</p> <p>18 based in Basel; on the whole.</p> <p>19 Q. And -- and which entities are they</p> <p>20 employed by?</p> <p>21 A. If they're based in Basel, they would be</p> <p>22 employed by Syngenta Crop Protection AB probably --</p> <p>23 AG probably, but I don't know that. Some of them, by</p> <p>24 the way, could be coming from Jealott's Hill and,</p> <p>25 therefore, be employed with the entity that</p>	<p>1 MR. POPE: Do you want to spell that for the</p> <p>2 court reporter, please?</p> <p>3 THE WITNESS: Suter, S-U-T-E-R.</p> <p>4 BY MR. TILLERY:</p> <p>5 Q. At the very bottom of the application,</p> <p>6 it indicates it was to be distributed to the product</p> <p>7 line manager?</p> <p>8 A. Right.</p> <p>9 Q. To whom does that refer?</p> <p>10 A. That's -- that -- because this is a very</p> <p>11 early document, the product line manager was the head of</p> <p>12 the herbicide product line. At that time, there was</p> <p>13 a -- it was a man called Dino Sozzi.</p> <p>14 Q. And -- and by whom was he employed?</p> <p>15 A. Crop Protection -- Syngenta Crop</p> <p>16 Protection AG, I believe.</p> <p>17 (Exhibit 12 marked for identification.)</p> <p>18 BY MR. TILLERY:</p> <p>19 Q. I hand you number 12, sir.</p> <p>20 A. Thank you.</p> <p>21 Q. Just take a look at that. Is this</p> <p>22 exhibit 12 a presentation made to the development</p> <p>23 committee?</p> <p>24 MR. POPE: Objection to the form of the</p> <p>25 question.</p>
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<p>1 Jealott's Hill is associated with.</p> <p>2 Q. What is the authority for the creation of</p> <p>3 that committee, or that group?</p> <p>4 A. Could you explain what you mean by</p> <p>5 "the authority for"?</p> <p>6 Q. Yes. How was it -- how was that group</p> <p>7 created --</p> <p>8 A. How was it --</p> <p>9 Q. -- that corn marketing group.</p> <p>10 A. It was created under our global marketing</p> <p>11 team to -- with the express intent of bringing together</p> <p>12 chemical assets for deployment in corn crops all over</p> <p>13 the world.</p> <p>14 Q. Who created this marketing team?</p> <p>15 A. The head of global marketing at the time.</p> <p>16 Q. And who was that?</p> <p>17 A. At the very start, at the very start,</p> <p>18 we didn't have global marketing. There were separate</p> <p>19 teams for fungicides, insecticides and herbicides, and</p> <p>20 they -- the heads of those teams reported directly to</p> <p>21 me, but fairly quickly we -- we nominated a head of</p> <p>22 global marketing. His name was Jan Suter.</p> <p>23 Q. Is he still there?</p> <p>24 A. No, he is now head of Africa/Middle East,</p> <p>25 and he's been replaced by Rob Neill.</p>	<p>1 THE WITNESS: It's difficult to tell if it was</p> <p>2 made to the development committee. It reports the</p> <p>3 conclusions of the development committee on one of the</p> <p>4 slides, so it's a little difficult to -- to be sure.</p> <p>5 BY MR. TILLERY:</p> <p>6 Q. Okay. If -- if not, was it made to a</p> <p>7 group of which you were a member?</p> <p>8 A. I cannot recall.</p> <p>9 Q. Do you remember seeing this document?</p> <p>10 A. No.</p> <p>11 Q. What -- have you seen presentations like</p> <p>12 this before?</p> <p>13 A. Oh, yes.</p> <p>14 Q. What do you believe it to be, by looking</p> <p>15 at the document --</p> <p>16 MR. POPE: Objection to form --</p> <p>17 BY MR. TILLERY:</p> <p>18 Q. -- whether or not you've seen it before?</p> <p>19 MR. POPE: Objection to the form of the</p> <p>20 question. I think he just told you he doesn't know what</p> <p>21 it is.</p> <p>22 BY MR. TILLERY:</p> <p>23 Q. And just so we're clear, under -- and</p> <p>24 this will come up again. When you produce documents in</p> <p>25 Federal Court, you stand behind their integrity. You</p>

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<p>1 can't deny the existence of their authenticity, and</p> <p>2 there are several cases in the Seventh Circuit directly</p> <p>3 on point that say that.</p> <p>4 So I'm -- I'm using documents that were given</p> <p>5 to me in discovery, and -- and I'm representing to you</p> <p>6 that there has been not one single change to this</p> <p>7 document as given to you in its entirety?</p> <p>8 A. I'm not denying its authenticity.</p> <p>9 MR. POPE: I'm not denying the integrity of</p> <p>10 the document, Mr. Tillery. I'm just objecting to your</p> <p>11 request that he do some speculation as to what it is.</p> <p>12 MR. TILLERY: Okay.</p> <p>13 THE WITNESS: I'm very familiar with the</p> <p>14 content of this document.</p> <p>15 BY MR. TILLERY:</p> <p>16 Q. Explain to me how you're familiar with it?</p> <p>17 A. Well, the -- the data that's in here,</p> <p>18 we -- we and many of my colleagues have discussed on</p> <p>19 many occasions and in many forms, in many different</p> <p>20 forms. So the content is -- is known to me.</p> <p>21 Q. And what -- what -- in terms of content,</p> <p>22 what ultimately happened after the presentation or the</p> <p>23 conclusions that were being sought -- strike the</p> <p>24 question.</p> <p>25 What ultimately happened in terms of</p>	<p>1 English, Cheshire.</p> <p>2 MR. POPE: Would you clarify, when you say</p> <p>3 "this time", what you mean?</p> <p>4 THE WITNESS: I mean on October the 16th,</p> <p>5 2001.</p> <p>6 John Street was located in Basel; Robert Durand</p> <p>7 was in Basel; Patrick Huguet in Basel; Eric Kuhn also in</p> <p>8 Basel; Dino Sozzi, Basel; Michel Bourguet, Basel;</p> <p>9 Robert Nyfeler, Basel; Anthony Skidmore in the UK, I'm</p> <p>10 not exactly sure where.</p> <p>11 Q. And can you look -- explain the codes that</p> <p>12 are on those behind their names, please?</p> <p>13 A. "BS" is Basel.</p> <p>14 Q. And the "CH" is for Switzerland?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And going down: "GB",</p> <p>17 Great Britain and "JH" is for Jealott's Hill?</p> <p>18 A. Right.</p> <p>19 Q. The others, please?</p> <p>20 A. I don't know exactly what "AP" stood for.</p> <p>21 I just do know where he was located, though. I don't</p> <p>22 know what "FH" stands for either. "USGR" is US,</p> <p>23 Greensboro, Tim Pastoor.</p> <p>24 Q. And Tim Pastoor was making a presentation</p> <p>25 then?</p>
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<p>1 mesotrione?</p> <p>2 A. Mesotrione was launched firstly in the</p> <p>3 United States and subsequently in Europe and later on in</p> <p>4 Latin America and other parts of the world.</p> <p>5 (Exhibit 13 marked for identification.)</p> <p>6 BY MR. TILLERY:</p> <p>7 Q. I show you what's been marked as</p> <p>8 exhibit 13, sir.</p> <p>9 A. Thank you.</p> <p>10 Q. What's a global risk assessment?</p> <p>11 A. Risk is a combination of hazard and</p> <p>12 exposure, so it takes the -- the hazard of any given</p> <p>13 product and relates that to its potential for human and</p> <p>14 environmental exposure, so a global risk assessment</p> <p>15 would talk about risk in that sense.</p> <p>16 Q. And if you could take a look at the people</p> <p>17 to whom this agenda item was -- was addressed and copied</p> <p>18 to, can you tell me where they were located?</p> <p>19 A. The -- the suffix indicates that</p> <p>20 Vivienne Anthony was located in Basel; Paul Gordon was</p> <p>21 located in Basel; David Lawrence located in</p> <p>22 Jealott's Hill at this time; Lewis Smith was located in</p> <p>23 Britain.</p> <p>24 At this time, he was at a place called CTL,</p> <p>25 which was a toxicology center we had in the north of</p>	<p>1 A. It appears to be the case.</p> <p>2 Q. And what was the presentation about?</p> <p>3 A. Global risk assessment.</p> <p>4 Q. For what?</p> <p>5 A. It doesn't say.</p> <p>6 Q. And what -- how would Tim Pastoor have</p> <p>7 been making that presentation; do you know?</p> <p>8 MR. POPE: Objection to the form of the</p> <p>9 question.</p> <p>10 BY MR. TILLERY:</p> <p>11 Q. Do you know how he would have been making</p> <p>12 that presentation?</p> <p>13 A. Do you mean whether he was in person or</p> <p>14 remotely?</p> <p>15 Q. No, I'm sorry. How would -- strike that.</p> <p>16 Why would Tim Pastoor be making a presentation</p> <p>17 to this group of people?</p> <p>18 A. Because --</p> <p>19 MR. POPE: Objection to the form of the</p> <p>20 question.</p> <p>21 BY MR. TILLERY:</p> <p>22 Q. Go ahead.</p> <p>23 A. Because he's -- he's an expert in this</p> <p>24 field.</p> <p>25 Q. Okay. And he's an expert in the field of</p>

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<p>1 global risk assessment?</p> <p>2 A. Risk assessment in general, yes.</p> <p>3 Q. And does he occupy a leadership position</p> <p>4 in risk assessment within the Syngenta group of</p> <p>5 companies?</p> <p>6 MR. POPE: In 2001?</p> <p>7 THE WITNESS: I don't know what his job title</p> <p>8 was in 2001. I don't know.</p> <p>9 BY MR. TILLERY:</p> <p>10 Q. Now or any time, does he? Has he ever</p> <p>11 occupied that?</p> <p>12 A. I don't know -- I don't know what his job</p> <p>13 title is today.</p> <p>14 Q. Well, what -- irrespective of his title,</p> <p>15 does he occupy any role at any time since Syngenta's</p> <p>16 been formed on risk assessment?</p> <p>17 A. His job involves risk assessment.</p> <p>18 Q. Okay. But does he do it for anything</p> <p>19 beyond the scope of -- of activities at Syngenta Crop</p> <p>20 Protection Inc.?</p> <p>21 A. He may do. I don't know the answer.</p> <p>22 He may do. He's principally devoted to matters</p> <p>23 involving Crop Protection Inc., but I -- he may have</p> <p>24 been involved in other matters.</p> <p>25 Q. And how would he have been involved in</p>	<p>1 manager for selective herbicides in December 2001?</p> <p>2 A. I'm not sure.</p> <p>3 Q. Who do you think was the product manager</p> <p>4 for selective herbicides at that time?</p> <p>5 A. The global head of selective herbicides</p> <p>6 was Dino Sozzi and the person in charge of the overall</p> <p>7 corn strategy was -- was -- was himself and -- and</p> <p>8 Judy Garrett, whose name is on this list.</p> <p>9 Q. Which Syngenta group company was</p> <p>10 Mr. Nyffeler an employee of at the time, December 2001?</p> <p>11 A. I don't know, but if he was Basel-based,</p> <p>12 which I believe he was, it would probably be Syngenta</p> <p>13 Crop Protection AG, but I don't know.</p> <p>14 Q. Did this group have product management</p> <p>15 authority with respect to selective herbicides sold in</p> <p>16 the United States at that time?</p> <p>17 MR. POPE: By "this group", you mean the</p> <p>18 participants on this sheet of paper?</p> <p>19 MR. TILLERY: Yes.</p> <p>20 THE WITNESS: No.</p> <p>21 BY MR. TILLERY:</p> <p>22 Q. Who did?</p> <p>23 A. The authority for managing products in the</p> <p>24 United States lay with the United States team. At that</p> <p>25 time, it was headed by Hierl Guggen, which is a name</p>
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<p>1 those other matters, by what authority?</p> <p>2 A. He would have been invited to be involved</p> <p>3 in them.</p> <p>4 Q. By whom?</p> <p>5 A. By the head of development at the time.</p> <p>6 Q. And the head of development at the time</p> <p>7 was?</p> <p>8 A. At this time, it was Vivienne Anthony, who</p> <p>9 is at the top of the list.</p> <p>10 (Exhibit 14 marked for identification.)</p> <p>11 BY MR. TILLERY:</p> <p>12 Q. If you'd take a look at number 14, please.</p> <p>13 Did Syngenta Crop Protection Inc. ever have an office in</p> <p>14 Basel with the Syngenta companies?</p> <p>15 A. Not to my knowledge.</p> <p>16 Q. Is exhibit 14 the minutes of a 2001</p> <p>17 meeting of employees of various Syngenta group companies</p> <p>18 on the subject of review of corn strategy and various</p> <p>19 triazine scenarios?</p> <p>20 MR. POPE: Objection to the form of the</p> <p>21 question. No foundation.</p> <p>22 THE WITNESS: It's entitled "Review of Corn</p> <p>23 Strategy in various Triazine Scenarios", indeed.</p> <p>24 BY MR. TILLERY:</p> <p>25 Q. Was Mr. Nyffeler Syngenta AG's product</p>	<p>1 I have given you before, and his -- his marketing team.</p> <p>2 Some of those people are on this -- were at this</p> <p>3 meeting.</p> <p>4 (Exhibit 15 marked for identification.)</p> <p>5 BY MR. TILLERY:</p> <p>6 Q. Now take a look, if you wouldn't mind,</p> <p>7 at exhibit 15. Okay. Is exhibit 15 the minutes</p> <p>8 of a development committee meeting in Basel on</p> <p>9 September 10th, 2002?</p> <p>10 A. It is.</p> <p>11 Q. It identifies the members of the</p> <p>12 development committee, the document does?</p> <p>13 A. It does.</p> <p>14 Q. You were cc'd on those minutes; correct?</p> <p>15 A. Yes.</p> <p>16 Q. At that time, the development committee</p> <p>17 included employees from more than one Syngenta group</p> <p>18 company?</p> <p>19 A. It did.</p> <p>20 Q. How many different companies were</p> <p>21 represented on that committee?</p> <p>22 A. I can't be sure because I don't know if</p> <p>23 Mike Bushell and Lewis Smith were in the same legal</p> <p>24 entity in the UK.</p> <p>25 Q. How would you -- how would you even</p>

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<p>1 identify which entity they were from?</p> <p>2 A. You can't. You can only tell which site</p> <p>3 they were at and which country they were in.</p> <p>4 Q. Okay. Are the individuals listed to --</p> <p>5 listed to the right of the "cc management" the persons</p> <p>6 who had authority for the management of a specific</p> <p>7 Syngenta group company or companies?</p> <p>8 A. No. No, these people are product people.</p> <p>9 Q. Why are they listed as management?</p> <p>10 MR. POPE: Objection to the form of the</p> <p>11 question.</p> <p>12 THE WITNESS: Because they're product</p> <p>13 management.</p> <p>14 BY MR. TILLERY:</p> <p>15 Q. And where were they employed?</p> <p>16 A. Excuse me, I -- I hadn't read the whole</p> <p>17 list. There are people in here who indeed were --</p> <p>18 are -- were heads of the territories or the regions.</p> <p>19 Maercio Rezende, San Paulo; Piet Smits, Europe;</p> <p>20 Don Taylor, Asia; and Bob Woods at that time was US.</p> <p>21 Q. "USUW"?</p> <p>22 A. Yes, this was USUW. At that time he</p> <p>23 was -- he was not in Greensboro. That's probably why</p> <p>24 that's what it is.</p> <p>25 Q. Where was he?</p>	<p>1 A. I don't know if it has -- if it has ever</p> <p>2 required them so to do.</p> <p>3 (Exhibit 16 marked for identification.)</p> <p>4 BY MR. TILLERY:</p> <p>5 Q. Would you take a look at 16, please.</p> <p>6 In about July 2002, did the development committee</p> <p>7 approve the release to first sale of products called</p> <p>8 Lumax and Camix?</p> <p>9 A. I believe it did.</p> <p>10 Q. What are those products?</p> <p>11 A. They are products containing, in the case</p> <p>12 of Lumax, mesotrione, metolachlor and atrazine; in the</p> <p>13 case of Camix, mesotrione and metolachlor.</p> <p>14 Q. Were those released for sale in the</p> <p>15 United States?</p> <p>16 A. They were. I cannot tell you exactly</p> <p>17 when.</p> <p>18 Q. Would that include sales in the state of</p> <p>19 Illinois as well?</p> <p>20 A. It would.</p> <p>21 Q. And were they sold in the United States?</p> <p>22 A. They were and are sold in the</p> <p>23 United States.</p> <p>24 Q. And in Illinois as well?</p> <p>25 A. And in Illinois -- including in</p>
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<p>1 A. Wilmington.</p> <p>2 Q. Have the development committee minutes</p> <p>3 ever included the names of the company by which the</p> <p>4 members were employed?</p> <p>5 A. Not to my knowledge.</p> <p>6 Q. Does Syngenta require employees from</p> <p>7 different Syngenta group companies who communicate with</p> <p>8 each other to identify which Syngenta company they work</p> <p>9 for?</p> <p>10 A. I'm not sure if it's a requirement, but on</p> <p>11 business cards it's usually stated.</p> <p>12 Q. Are they required to do it, or do you</p> <p>13 know?</p> <p>14 A. I don't know if it's a requirement.</p> <p>15 Q. Do all of the employees of Syngenta group</p> <p>16 companies have an email address that's @syngenta.com?</p> <p>17 A. Yes, I think that would be the case.</p> <p>18 Q. Looking at their email address, is there</p> <p>19 any way to discern which Syngenta group company they're</p> <p>20 employed by?</p> <p>21 A. No.</p> <p>22 Q. Has Syngenta AG ever required employees of</p> <p>23 Syngenta group companies to identify the Syngenta group</p> <p>24 company they work for in emails to persons outside the</p> <p>25 Syngenta group of companies?</p>	<p>1 Illinois -- or, correction, I'm not sure if Camix is,</p> <p>2 but it's available nationally.</p> <p>3 Q. In -- in the United States?</p> <p>4 A. Yes.</p> <p>5 Q. And would be available in the state of</p> <p>6 Illinois?</p> <p>7 A. If a distributor wanted to buy it, yes.</p> <p>8 Q. And Lumax contains what products?</p> <p>9 A mixture of what?</p> <p>10 A. Mesotrione, metolachlor and atrazine.</p> <p>11 Q. And what are the sales of Lumax in the</p> <p>12 United States?</p> <p>13 A. I cannot tell you the exact number.</p> <p>14 We launched another product which was similar but had</p> <p>15 a different ratio of combinations between the two of</p> <p>16 those products. They will have sales in the order of</p> <p>17 250 million or more.</p> <p>18 Q. In the United States?</p> <p>19 A. Mmm.</p> <p>20 Q. You have to say "yes" or "no"?</p> <p>21 A. Yes.</p> <p>22 Q. And what portion of those sales would be</p> <p>23 in the state of Illinois?</p> <p>24 A. That's impossible for me to estimate.</p> <p>25 Q. Which state in the United States, in terms</p>

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<p>1 of corn herbicides, sells the greatest percentage of 2 product in the -- in the US? 3 A. Again, it's very difficult. Illinois 4 would be amongst the top five. 5 Q. Okay. This product was for the use with 6 corn crops; right? 7 A. It was -- is; is and was. 8 Q. And what are those five states that are 9 the top five in the United States? 10 A. The "I" States. 11 Q. The what states? 12 A. "I". 13 Q. Okay. 14 A. Which is Iowa -- I'm going to get my -- 15 I'm going to show my limitations on the US here: Iowa, 16 Illinois, time goes on. Give me a clue. 17 Q. Indiana? 18 A. Indiana. Iowa, Indiana, Illinois and -- 19 it's not Idaho. It isn't. It could be, I guess. No. 20 What's the other "I"? 21 MR. POPE: If you don't know, tell him you 22 don't know. 23 THE WITNESS: Well, I would know if I sat here 24 with a pencil. The other big one is Nebraska and 25 then -- and then the others are somewhat less important.</p>	<p>1 Q. Who headed that up? 2 A. The head of development at the time, 3 and we are talking here about 2002. I'm not sure 4 if that was still the lady we discussed before, 5 Vivienne Anthony, or whether it was Lewis Smith by this 6 time. I'm not sure. But it was the head of 7 development. 8 Q. And that development, so we're clear on 9 the record, is which committee? 10 A. The global development committee. 11 Q. In Basel? 12 A. In Basel. 13 Q. And what happened after it was approved 14 for sale by the global development committee? 15 A. It would have been informed to the 16 crop protection leadership team that the development 17 committee had taken this step, and the local 18 organization in the United States would have gone 19 through its own process of readying it for sale and 20 agreeing that it was ready to go. 21 Q. And when you said it would have gone off 22 through the -- another group -- and let me look at your 23 answer. 24 A. The -- the US has its own -- 25 Q. I meant the -- I meant the other crop</p>
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<p>1 BY MR. TILLERY: 2 Q. And Kansas, is that one of them? 3 A. Kansas is not as big as the ones we've 4 just mentioned. 5 Q. All right. Illinois, Indiana and Iowa. 6 A. The biggest. 7 Q. All right. The product Lumax that you 8 described, did it come before the -- actually, instead 9 of asking the question that way, let me ask you this: 10 walk me through the process by which Lumax was approved 11 for first sale and distribution in 2002? 12 A. From the point at which it was developed 13 right to -- 14 Q. Yes. It came through your development 15 committee. 16 A. It came through the development committee 17 at the last -- it came through the development committee 18 to be approved for sale, but there were a lot of 19 activities that took place before it reached that point. 20 Q. Before that, of course. 21 A. Yes. 22 Q. And then it came through to the 23 development committee. Was that the committee that you 24 headed up? 25 A. No.</p>	<p>1 protection leadership team, I was going to ask you about 2 that? 3 A. The crop protection leader -- okay, my -- 4 my team, yes. 5 Q. It would have come through -- 6 A. Yeah. What -- what tends to happen there 7 is the -- actually, the -- the -- the approval for 8 first sale is much more to do with the development 9 committee than it is to do with the crop protection 10 leadership team. 11 We have already committed to the product, 12 the promotion to stage 3, and we followed it through its 13 last phase of development. The development committee 14 has the most important role, because it's -- it's 15 saying, "This product has passed all the safety tests. 16 It has got registered. It has a stable formulation". 17 These are technical matters. 18 So the leadership team would be informed of 19 that, and usually we would not have a -- a long 20 discussion about it. It would be -- it would be the 21 development committee, the global and the local ones, 22 that have the last word on this. 23 Q. Where was Lumax tested? 24 A. Initially in the United States. 25 Q. Where in the United States?</p>

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<p>1 A. In all the corn-growing states of any 2 significance. 3 Q. So it would have been in Illinois for 4 sure? 5 A. For sure. 6 Q. Do you know whereabouts in Illinois? 7 A. Well, at that time -- excuse me. 8 Q. Do you know where it was tested in 9 Illinois? 10 A. At that time, we still had our field 11 station in Champagne, Illinois, and it was definitely 12 tested there, but it would have been tested on fields 13 representative of the -- of the soils and the climate of 14 Illinois. 15 Q. That field that you had in Champagne, 16 Illinois, was that in -- in conjunction with the 17 University of Illinois? 18 A. No, that was a -- a private Syngenta Crop 19 Protection Inc. field station with buildings and plots, 20 and it was ours -- "ours" meaning Syngenta Crop 21 Protection Inc. 22 Q. And it's still there, isn't it? 23 A. But not -- it's not ours anymore. 24 Q. You sold it? 25 A. We sold it.</p>	<p>1 we sell on corn that were not launched at the time of 2 Syngenta will have been -- will have been tested on 3 corn. 4 Q. And what products would those be? 5 A. Callisto. We -- we have discussed a 6 couple of them: Callisto; Lumax; Lexar -- L-E-X-A-R, 7 which came after Lumax; seed treatment products, such as 8 Cruiser; fungicide products, such as Quilt. All these 9 products will have been tested in Illinois. 10 Q. Were all of those products products that 11 went through the development committee? 12 A. At one stage or another, yes. 13 Q. In Basel? 14 A. In Basel and in -- and in the local 15 Greensboro development committee as well. 16 There's another product I maybe should have 17 mentioned: Halex, H-A-L-E-X. That's another product 18 which will have been tested in Illinois, amongst other 19 states. 20 Q. I'm trying to get this list together. 21 A. All right. 22 Q. Callisto. 23 A. Callisto. 24 Q. Lumax. 25 A. Lumax, Lexar.</p>
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<p>1 Q. Why does it still have a "Syngenta" sign 2 on it? 3 A. I don't know. I didn't know it did. 4 Maybe because we still -- we still do field work there, 5 in arrangement with the current owners. 6 Q. And would it have been customary at the 7 time that Lumax was being developed to have different 8 farmers in Illinois apply it or have it on their crops? 9 A. It would have been, yes. 10 Q. And the purpose of doing that is to apply 11 it in the area where the soil type, the climate, 12 et cetera, is being -- the best possible way to 13 determine the efficacy of the chemical? 14 A. Yes, that's a good summary. I mean, it's 15 a -- it's a complicated matter trying to assess all the 16 parameters you have to assess before you can bring a -- 17 a product to market. It has to work robustly on 18 different soil types in different years under different 19 weather conditions. It mustn't damage the crop in a way 20 which is in any way significant. It has to be fit for 21 purpose. And that's why widespread field trials are 22 done with private farmers. 23 Q. How many products have been field tested 24 in Illinois since the creation of Syngenta? 25 A. I do not know. Certainly all the products</p>	<p>1 Q. L-E-X? 2 A. A-R. I mentioned Halex, H-A-L-E-X. 3 Q. Quilt, Cruiser. 4 A. Cruiser. Cruiser like it sounds, Cruiser. 5 Q. Okay. So we're dealing with six that 6 you've told me, I think? 7 A. Yeah, there'd be more. 8 Q. And there's been more than that? 9 A. Yep. 10 Q. Do you know what the US sales are of these 11 various chemicals? 12 A. Each individual chemical with precision, 13 no. 14 Q. And I don't -- I'm not asking for 15 precision. I know that without a balance sheet or 16 financial records you couldn't possibly give that to me. 17 A. Well -- 18 Q. So just your best effort. 19 A. Oh, throughout the US? 20 Q. Yes. 21 A. Throughout the US? Collectively, I 22 mentioned Lumax and Lexar are in the \$250 million range, 23 both together. I mention them together because the 24 farmer chooses them in accordance with -- they can be 25 switched. Lexar is more in the south and Lumax more in</p>

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<p>1 the north, but they can be switched. Cruiser -- Cruiser</p> <p>2 is a -- Cruiser is a \$200 million product in the</p> <p>3 United States, close to.</p> <p>4 Q. And which of these are applied to corn</p> <p>5 crops?</p> <p>6 A. Oh, I only gave you ones which are applied</p> <p>7 to corn crops, although I point out that Quilt can be</p> <p>8 used on soybeans and Cruiser can be used on soybeans</p> <p>9 too.</p> <p>10 Q. Would Illinois be among the top</p> <p>11 three states for sales in the United States of these</p> <p>12 six chemical products?</p> <p>13 A. Yes.</p> <p>14 Q. Were the test results for these products</p> <p>15 when they were tested in Illinois reported back to the</p> <p>16 development committee?</p> <p>17 A. Not -- not as such. They would be part of</p> <p>18 the overall summary of field performance. If there was</p> <p>19 an interest in going down to state, individual state</p> <p>20 trials, that could have been done, and -- and certainly</p> <p>21 when we had the Champagne site, that could be identified</p> <p>22 readily, but typically these will be summarized as a</p> <p>23 group.</p> <p>24 Q. When did you sell this -- the Champagne</p> <p>25 site?</p>	<p>1 videotape number 4, volume I in the videotaped</p> <p>2 deposition of John Atkin. Going on the record. The</p> <p>3 time is 14:50. Thank you.</p> <p>4 (Exhibit 17 marked for identification.)</p> <p>5 BY MR. TILLERY:</p> <p>6 Q. Let me hand you what's been marked as 17,</p> <p>7 doctor. Tell me when you've reviewed it. What is this</p> <p>8 document, sir?</p> <p>9 MR. POPE: Objection to the form of the</p> <p>10 question.</p> <p>11 THE WITNESS: This document is entitled</p> <p>12 "SYN-449208. Project Review Meeting & DeCo input".</p> <p>13 BY MR. TILLERY:</p> <p>14 Q. It's a presentation that was made to you?</p> <p>15 A. It's difficult to determine if -- who it</p> <p>16 was made to, but I'm certainly familiar with the</p> <p>17 content.</p> <p>18 Q. Okay. Can you go to page 3?</p> <p>19 A. Yes.</p> <p>20 Q. Let me withdraw the question. What was</p> <p>21 SYN-449280?</p> <p>22 A. It is a herbicide which was in -- at</p> <p>23 this time, in stage 2, I believe.</p> <p>24 Q. When you say "this time", you're talking</p> <p>25 about --</p>
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<p>1 A. I'm not sure. It was a -- it was four --</p> <p>2 five -- five years ago or more. Perhaps five years ago.</p> <p>3 Five -- four or five years ago.</p> <p>4 Q. And is there another site that's replaced</p> <p>5 it or do you rely upon private farmer contracts?</p> <p>6 A. In Illinois, we rely upon private farms.</p> <p>7 Sometimes we would rent, if we need to, fields.</p> <p>8 Q. In different places. Do you know</p> <p>9 whereabouts in Illinois you do that?</p> <p>10 A. No, but it will be representative of</p> <p>11 the -- of the state from north to south and east to</p> <p>12 west.</p> <p>13 Q. Right.</p> <p>14 A. We have only one field station left, which</p> <p>15 is Vero Beach.</p> <p>16 MR. TILLERY: Can we take like a five-minute</p> <p>17 break? Is that okay with you, doctor?</p> <p>18 A. Yes.</p> <p>19 THE VIDEOGRAPHER: Going off the record. The</p> <p>20 time is 14:34. End of tape 3, volume I of the</p> <p>21 videotaped deposition of John Atkin.</p> <p>22 (2:34 p.m.)</p> <p>23 (Break taken.)</p> <p>24 (2:50 p.m.)</p> <p>25 THE VIDEOGRAPHER: This is the beginning of</p>	<p>1 A. 2002.</p> <p>2 Q. -- 2002 in March? Is it March or October?</p> <p>3 A. It's October.</p> <p>4 Q. October of 2002.</p> <p>5 A. Right.</p> <p>6 Q. Is it being used now?</p> <p>7 A. No. It's still in development.</p> <p>8 Q. It's been in development for eight years?</p> <p>9 A. It has.</p> <p>10 Q. Can you explain that delay?</p> <p>11 MR. POPE: Objection to the form of the</p> <p>12 question.</p> <p>13 THE WITNESS: I can explain what has happened</p> <p>14 with this product. It -- at the time of this review,</p> <p>15 which I think makes clear it was -- it was not certain</p> <p>16 that there was a market opportunity for this product,</p> <p>17 neither was it certain that all the technical issues</p> <p>18 were resolvable.</p> <p>19 BY MR. TILLERY:</p> <p>20 Q. What were the technical issues?</p> <p>21 A. One of them is that if you use it at</p> <p>22 reasonably high doses, and then in a rotation you plant</p> <p>23 soybeans after corn, you can damage those soybeans.</p> <p>24 So the question of, could we manage a product with a</p> <p>25 lower dose rate, would it have sufficient market uptake</p>

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<p>1 if it had a rotational problem.</p> <p>2 Q. Why would it remain and damage soybeans as</p> <p>3 a rotational crop?</p> <p>4 A. Because sufficient of it would remain in</p> <p>5 the soil. It's -- it's killing -- in a broad -- in a</p> <p>6 broad sense, this product is -- is killing</p> <p>7 dicotyledonous weeds. It's -- it's controlling weeds in</p> <p>8 a corn crop which are not unlike soybeans, if you like.</p> <p>9 So, consequently, there is always this risk with</p> <p>10 herbicides that you can -- you can damage successive</p> <p>11 crops. There's a risk.</p> <p>12 Q. Now, did you list your reasons on 3 to --</p> <p>13 page 3 of the document to this group? Were those the</p> <p>14 reasons you gave for rejecting the product in 2002?</p> <p>15 MR. POPE: Objection to the form of the</p> <p>16 question.</p> <p>17 THE WITNESS: I'm certainly familiar with</p> <p>18 these reasons. I can't -- you know, we're talking</p> <p>19 eight years ago. I can't remember how I articulated</p> <p>20 these reasons, but I'm familiar with some of these</p> <p>21 concerns.</p> <p>22 BY MR. TILLERY:</p> <p>23 Q. Did you think that the production cost</p> <p>24 estimate was too high in 2002?</p> <p>25 A. That's what it says, and I believe that to</p>	<p>1 replacement?</p> <p>2 A. Because it's a very effective herbicide</p> <p>3 and, in the initial trials, it seemed to have a broad</p> <p>4 spectrum and it would have the potential to do at least</p> <p>5 some of the things that atrazine can do, and do it</p> <p>6 in a way which was at a lower dose than atrazine is and</p> <p>7 in a -- in a way which could be attractive to the</p> <p>8 farmer. That's not how we see it now, by the way.</p> <p>9 Q. And how has your view changed about</p> <p>10 SYN-449280?</p> <p>11 A. It's changed because we see -- I mean,</p> <p>12 the -- the issue and the advantage is that atrazine</p> <p>13 is -- is a highly effective herbicide used on 75 percent</p> <p>14 of corn, much in demand and supported by growers in the</p> <p>15 United States, and for a product to replace it, it would</p> <p>16 have to have some really very strong qualities. This</p> <p>17 product doesn't have enough of those qualities to do so.</p> <p>18 That's broadly it.</p> <p>19 Q. And it's still being evaluated?</p> <p>20 A. Yes, we still have it in development.</p> <p>21 We have -- we have modified the dose, we have worked</p> <p>22 with the formulation, we are -- we are still following a</p> <p>23 course of, if we can make this product fit for use in</p> <p>24 the United States and other markets, but not as an</p> <p>25 atrazine replacement.</p>
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<p>1 be true.</p> <p>2 Q. Did you think there was uncertainty of</p> <p>3 RR market penetration and market value in 2002?</p> <p>4 A. I did, yes.</p> <p>5 Q. What's "RR market"?</p> <p>6 A. It's shorthand for Roundup Ready,</p> <p>7 glyphosate tolerance, so genetically modified corn on</p> <p>8 which you could apply the product glyphosate.</p> <p>9 Q. And the third item there, "leaching</p> <p>10 concerns", is what you have already told me about;</p> <p>11 correct?</p> <p>12 A. Well, it wasn't really leaching concerns</p> <p>13 that I was referring to at all. It was the potential</p> <p>14 that this carry-over, which isn't clearly called out</p> <p>15 here, but that -- that is what this says, and there is a</p> <p>16 concern, particularly as it -- in respect to the</p> <p>17 European Union, in relation to this issue.</p> <p>18 Q. Was this product, SYN-449280, being</p> <p>19 considered as a triazine replacement product?</p> <p>20 A. It was being considered at one stage as at</p> <p>21 least a part replacement, yes.</p> <p>22 Q. Triazines would include atrazine?</p> <p>23 A. They would.</p> <p>24 Q. And what was its -- strike that.</p> <p>25 Why was it being considered as a triazine</p>	<p>1 Q. For what purpose?</p> <p>2 A. Because one of the features of herbicides,</p> <p>3 particularly ones that have been around for 50 years, as</p> <p>4 is the case for atrazine, is weeds get resistant to</p> <p>5 them, and although atrazine still retains extremely good</p> <p>6 activity, there's one class of weeds, the chenopodium</p> <p>7 species -- we can spell that for you later -- which --</p> <p>8 which has some resistance issues. So one of the</p> <p>9 potential advantages here was that it would control</p> <p>10 resistant weeds or it would -- would be a useful</p> <p>11 enhancement to our range, and that remains the case.</p> <p>12 Q. Are you looking at other triazine</p> <p>13 replacements now?</p> <p>14 A. We always are. In the screen we are.</p> <p>15 We -- we are, yes. We are evaluating if there are other</p> <p>16 replacements, as we do for paraquats and metolachlor and</p> <p>17 all our herbicide range. We are always looking to</p> <p>18 renew; always.</p> <p>19 (Exhibit 18 marked for identification.)</p> <p>20 BY MR. TILLERY:</p> <p>21 Q. I'll show you what's been marked as</p> <p>22 exhibit 18.</p> <p>23 A. Okay.</p> <p>24 Q. And, if you would, please take a look at</p> <p>25 that. All I'm asking you to do in this document is to</p>

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<p>1 look at it and tell me if you can explain what it</p> <p>2 relates to.</p> <p>3 A. Yes, this -- this is about the same</p> <p>4 compound, 449, a regional development team meeting,</p> <p>5 which would be a -- a North American one, and a product</p> <p>6 management team meeting combined, and Mr. Andreas</p> <p>7 Zoschke is feeding back to the team some of the comments</p> <p>8 made by myself and Dino Sozzi, who was head of product</p> <p>9 line herbicides at the time, around 449, and I think it</p> <p>10 links to some of the other points, and I -- I note that</p> <p>11 in the text they touch on some of the points that we</p> <p>12 just discussed.</p> <p>13 Q. Okay. Thank you.</p> <p>14 (Exhibit 19 marked for identification.)</p> <p>15 BY MR. TILLERY:</p> <p>16 Q. Exhibit 19, please. I'm asking you the</p> <p>17 same thing on this: if you just tell me what it is?</p> <p>18 A. It's a summary of some mesotrione meetings</p> <p>19 held at a place called CTL. That was the central tox</p> <p>20 laboratory I referred to in north-west England.</p> <p>21 I now realize that "AD", which was a suffix</p> <p>22 after Lewis Smith, Lewis Smith ran this place. "AD"</p> <p>23 referred to Alderley Edge, Alderley -- the</p> <p>24 Alderley Edge, Alderley Park site, so this is a summary</p> <p>25 of discussions which were held at this -- this</p>	<p>1 A. It's referencing a conversation that the</p> <p>2 man called Andy Zoschke had with Judy Garrett and</p> <p>3 myself. It appears to be referencing a conversation</p> <p>4 they had with me about this compound.</p> <p>5 Q. And describing your reaction to the</p> <p>6 compound?</p> <p>7 A. Describing -- and it touches on some of</p> <p>8 the points that we've already --</p> <p>9 Q. And without belaboring the point here,</p> <p>10 would you look at it to see if it's an accurate</p> <p>11 reflection of the conversation?</p> <p>12 A. Oh, that's very hard for me to --</p> <p>13 Q. I mean, is there anything that sticks out</p> <p>14 as being something that's incorrectly reported or</p> <p>15 recorded? And I -- and if you don't -- don't remember,</p> <p>16 that's fine?</p> <p>17 A. To be perfectly honest, I don't think it's</p> <p>18 a particularly good memo. It's not very -- it's not</p> <p>19 very -- I mean, why wouldn't it be clear exactly what</p> <p>20 they're talking about. But it does reference the CM --</p> <p>21 the CPMT, the crop protection management team, that we</p> <p>22 subsequently called the crop protection leadership team,</p> <p>23 the same thing in an earlier --</p> <p>24 Q. And so we are clear on the record,</p> <p>25 which -- what is the crop protection leadership team?</p>
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<p>1 toxicology laboratory. It's written by Derek Cornes,</p> <p>2 who is Basel-based, to Sunmao Chen, who is based in</p> <p>3 Greensboro.</p> <p>4 Q. And what is Derek's company affiliation</p> <p>5 within Syngenta?</p> <p>6 A. To the best of my knowledge, Syngenta Crop</p> <p>7 Protection AG, to the best of my knowledge.</p> <p>8 (Exhibit 20 marked for identification.)</p> <p>9 BY MR. TILLERY:</p> <p>10 Q. I'll hand you what's been marked as</p> <p>11 number 20, sir, and ask you the same question. As you</p> <p>12 look through it, I'm going to ask you two questions</p> <p>13 about it, and then -- one is, what compound were they</p> <p>14 referencing; and two is, basically, what the document</p> <p>15 is. So when you're finished, I'll ask them for the</p> <p>16 record.</p> <p>17 A. It appears to be --</p> <p>18 Q. I can make the record clear for what</p> <p>19 I'm doing. What was the compound that was referenced?</p> <p>20 A. It appears to be 449, the same compound we</p> <p>21 were --</p> <p>22 Q. Right.</p> <p>23 A. It appears to be.</p> <p>24 Q. And -- and what -- what is this document</p> <p>25 referencing, if you know?</p>	<p>1 Is that the one --</p> <p>2 A. That's one that I lead --</p> <p>3 Q. -- that you lead?</p> <p>4 A. -- which has these 11 people in total,</p> <p>5 including myself.</p> <p>6 Q. All right.</p> <p>7 MR. POPE: And so we're clear, it is dated</p> <p>8 October 29th, 2002; correct?</p> <p>9 MR. TILLERY: Correct.</p> <p>10 THE WITNESS: Correct.</p> <p>11 MR. TILLERY: That's my understanding.</p> <p>12 (Exhibit 21 marked for identification.)</p> <p>13 BY MR. TILLERY:</p> <p>14 Q. And if you'd do the same with respect to</p> <p>15 number 21, please? I'm basically only looking for an</p> <p>16 understanding of what this is.</p> <p>17 A. Yeah, I know about this. It's a -- it</p> <p>18 relates to the point I made earlier about the risk of</p> <p>19 carry-over of some of these products from corn to</p> <p>20 soybeans. This risk exists with most herbicides of this</p> <p>21 type and, in addition to existing with 449, it existed</p> <p>22 with mesotrione.</p> <p>23 In practice, it's not proved to be anything</p> <p>24 like -- it's not a -- it's not a significant issue at</p> <p>25 all, in practice, but at this time, we were being very</p>

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<p>1 cautious and we were assessing how much of an issue this</p> <p>2 could be, particularly as it related to the upcoming</p> <p>3 launch of Lumax, which is the mixture product with</p> <p>4 mesotrione.</p> <p>5 (Exhibit 22 marked for identification.)</p> <p>6 BY MR. TILLERY:</p> <p>7 Q. If you'd look at 22, please.</p> <p>8 A. Thank you.</p> <p>9 Q. Before you do that, though, I want to go</p> <p>10 back to that last product. Again, tell me what it's</p> <p>11 called again?</p> <p>12 A. Lumax.</p> <p>13 Q. No, not the Lumax, the one that was never</p> <p>14 put on the market?</p> <p>15 A. 449. Yet. Not yet.</p> <p>16 Q. 449?</p> <p>17 A. You want to know the full --</p> <p>18 Q. Just the name for the record, is all.</p> <p>19 A. All right: 449280.</p> <p>20 Q. Was that tested in the United States?</p> <p>21 A. Yes. All the -- of course all the testing</p> <p>22 in the United States is carried out by the US team under</p> <p>23 Syngenta Crop Protection Inc. It was tested by them --</p> <p>24 it has been tested -- it is being tested by them.</p> <p>25 Q. Is it being tested in Illinois now?</p>	<p>1 United States.</p> <p>2 Q. Has it been tested in Illinois?</p> <p>3 A. I believe so.</p> <p>4 Q. Do you know when it was tested in</p> <p>5 Illinois?</p> <p>6 A. No, but probably -- I don't want to</p> <p>7 speculate. I don't want to speculate. But this product</p> <p>8 has been in development for a number of years, and it</p> <p>9 will have been tested in Illinois.</p> <p>10 Q. And it's in stage 3 now?</p> <p>11 A. Yes.</p> <p>12 Q. And what has the role of the Syngenta</p> <p>13 development committee been with respect to this?</p> <p>14 A. To assess the human safety, the</p> <p>15 environmental safety, the manufacturing process and the</p> <p>16 cost of it through the marketing leaders who sit on that</p> <p>17 development committee. In short, to assess its overall</p> <p>18 viability.</p> <p>19 Q. And has there been a determination of</p> <p>20 overall viability?</p> <p>21 A. There has been a determination that more</p> <p>22 development work had to be carried out, and that's</p> <p>23 what's under way at the moment.</p> <p>24 Q. And development work would include what?</p> <p>25 A. Development work would include field</p>
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<p>1 A. I believe it is being tested in Illinois,</p> <p>2 or has -- was this year tested in Illinois, but I can't</p> <p>3 be 100 percent sure, but I believe it would have been.</p> <p>4 Q. Thank you. Now if you go to 22.</p> <p>5 A. Mmm-hmm.</p> <p>6 Q. What is an HPPD inhibitor?</p> <p>7 A. That refers to the class of chemistry</p> <p>8 which includes mesotrione -- mesotrione, Callisto, in</p> <p>9 it.</p> <p>10 Q. Is 449280 an HPPD inhibitor?</p> <p>11 A. That's what it says on the front page,</p> <p>12 yes.</p> <p>13 Q. Has this product ever been released?</p> <p>14 A. No, it's in stage 3 still.</p> <p>15 Q. Has it been named?</p> <p>16 MR. POPE: Objection.</p> <p>17 BY MR. TILLERY:</p> <p>18 A. No.</p> <p>19 Q. Have intellectual property rights been</p> <p>20 filed?</p> <p>21 A. Yes.</p> <p>22 Q. In the United States?</p> <p>23 A. Yes.</p> <p>24 Q. Has it been tested in the United States?</p> <p>25 A. It's been tested by the local teams in the</p>	<p>1 testing, and it also includes safety testing, human and</p> <p>2 environmental safety testing.</p> <p>3 Q. Who is doing the human and environmental</p> <p>4 testing?</p> <p>5 A. That is being done under the leadership of</p> <p>6 Peter Hertl, head of safety testing, head of safety,</p> <p>7 human/environmental safety, and -- but I can't tell you</p> <p>8 exactly where the work is being done.</p> <p>9 Q. And is it being done under -- strike that.</p> <p>10 Mr. Hertl's office is located in Basel?</p> <p>11 A. Yes, he has an office in Basel. I believe</p> <p>12 he hasn't yet moved to Basel full time, but his office</p> <p>13 is in Basel.</p> <p>14 Q. Okay. And if you would remind me again as</p> <p>15 to which entity he is associated with?</p> <p>16 A. It will be, I believe, crop -- Syngenta</p> <p>17 Crop Protection AG, I believe, or it could be Syngenta</p> <p>18 International, I'm sorry, one or the other.</p> <p>19 Q. Okay.</p> <p>20 (Exhibit 23 marked for identification.)</p> <p>21 BY MR. TILLERY:</p> <p>22 Q. If you take a look at number 23, please?</p> <p>23 A. Thank you.</p> <p>24 Q. And look through that as well, please.</p> <p>25 A. Would you like me to read all of this?</p>

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<p>1 Q. No, I don't. Look at the top of the page, 2 and it says "CP Portfolio Management. International 3 Design Documents"?</p> <p>4 A. Yes.</p> <p>5 Q. What does that mean to you?</p> <p>6 A. This dates back to 2002. Crop protection 7 portfolio management, and this relates to the work of 8 the herbicide team in Basel, essentially, although it 9 doesn't just cover their work, but the CP portfolio 10 management was led for herbicides by Dino Sozzi and his 11 team, which included some names we've discussed, such as 12 Judy Garrett and Derek Cornes, who were on that team, 13 and bringing together input on compounds such as this.</p> <p>14 Q. And what -- at what stage would this type 15 of analysis be pertinent? What I'm trying to understand 16 is the -- to become oriented about this type of complex 17 analysis of a compound?</p> <p>18 A. Well, this is stage 2. It's not in 19 stage 3 at this time.</p> <p>20 Q. This is stage 2?</p> <p>21 A. Right. And this is the sort of detail 22 that we would need to understand to progress it to the 23 end of stage 2 and into stage 3, and I didn't read every 24 chapter of this -- this document.</p> <p>25 Q. And I'm not asking you to do that, sir,</p>	<p>1 mesotrione-containing Lumax.</p> <p>2 So this was -- this was about the risk 3 associated with launching Lumax and managing the risk of 4 carry-over. That's what it's about. It talks about the 5 work that was done and the risks that we would be taking 6 on.</p> <p>7 Q. Do you still have 24 there in front of 8 you?</p> <p>9 A. I do.</p> <p>10 Q. I think -- is that 24 or 25?</p> <p>11 A. 24.</p> <p>12 Q. Okay.</p> <p>13 A. 23 is here.</p> <p>14 Q. 23. Do you have 23 there, the one we 15 talked about?</p> <p>16 A. I do.</p> <p>17 Q. Okay. In this document, the projects and 18 business analysis and other work that was described to 19 get it to the next stage of development, did it 20 contemplate work being done by several different -- 21 several -- by people from several different Syngenta 22 entities?</p> <p>23 MR. POPE: Which one are we talking about now?</p> <p>24 MR. TILLERY: 23.</p> <p>25 MR. POPE: Okay.</p>
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<p>1 but what I am asking you to do is to tell me whether or 2 not this is sort of representative of the stage 2 work 3 for a new molecule?</p> <p>4 A. Yeah, I would say so. It seems to be -- 5 it doesn't seem to have a marketing component to it. 6 It's a purely technical evaluation. But it -- it looks 7 pretty comprehensive, and the sort of thing that we 8 would -- we would need, and it -- it touches on a number 9 of the points that we've touched on before in relation 10 to the advantages and the challenges of this molecule.</p> <p>11 Q. Do you know this molecule?</p> <p>12 A. Yes.</p> <p>13 Q. Is it the same one we've talked about 14 before?</p> <p>15 A. It is. It is. It's 449, yes. 16 (Exhibit 24 marked for identification.)</p> <p>17 BY MR. TILLERY:</p> <p>18 Q. All I'm asking about with exhibit 24 is 19 some understanding of -- and the document more or less 20 speaks for itself, but some understanding if you would 21 orient me as to what this document really was getting to 22 and what it related to.</p> <p>23 A. Yes, this looks like it is a good summary 24 of the work carried out by the US team on this issue of 25 carry-over risk in association with</p>	<p>1 THE WITNESS: I could only determine that by 2 reading it in detail.</p> <p>3 BY MR. TILLERY:</p> <p>4 Q. I see.</p> <p>5 A. But I -- I suspect it probably did 6 contemplate -- just if I can, just to correct you, 7 I don't see anything about marketing and business in 8 here. It's purely technical.</p> <p>9 Q. Scientific?</p> <p>10 A. Yes.</p> <p>11 (Exhibit 25 marked for identification.)</p> <p>12 BY MR. TILLERY:</p> <p>13 Q. In 25 I'm looking for, as you will 14 understand, what those communications deal with.</p> <p>15 A. This, again, concerns the carry-over 16 question in relation to mesotrione, which is the active 17 material in Callisto and Lumax that we've -- we've 18 talked about before.</p> <p>19 Q. And this was a communication with -- 20 regarding the presentation to you?</p> <p>21 A. It appears to be so, yes.</p> <p>22 (Exhibit 26 marked for identification.)</p> <p>23 BY MR. TILLERY:</p> <p>24 Q. If you'd look at 26, please?</p> <p>25 A. Right. Yes.</p>

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<p>1 Q. What is this?</p> <p>2 A. This is a -- a memo from a man called</p> <p>3 Alfred Kohli, who was head of development portfolio,</p> <p>4 so he would report to the head of development, and he's</p> <p>5 writing this to Vivienne Anthony, who at that time was</p> <p>6 still head of development, and he's talking about the</p> <p>7 development committee meeting of December the 13th,</p> <p>8 and he's -- he seems to be reporting on what steps would</p> <p>9 be required to achieve a promotion for this 449 product</p> <p>10 to stage 3.</p> <p>11 Q. Have there been other development</p> <p>12 committee meetings with respect to this particular</p> <p>13 product since 2002?</p> <p>14 A. Yes. Yes, since 2002 there have -- this</p> <p>15 product will almost certainly have been discussed at</p> <p>16 development committees.</p> <p>17 (Exhibit 27 marked for identification.)</p> <p>18 BY MR. TILLERY:</p> <p>19 Q. 27, please.</p> <p>20 A. Yes. Would you like me to review it all?</p> <p>21 Q. Just -- if you just look at it. I mean,</p> <p>22 I'm not asking you to read the entire thing, but if you</p> <p>23 could look at it. It looks to me like you were cc'd on</p> <p>24 the document.</p> <p>25 A. Yes, I am on all these development</p>	<p>1 that we were going to phase it out at that point.</p> <p>2 This was a -- this was looking forward, at that</p> <p>3 time, seven years and saying, you know, we have a</p> <p>4 strategy to maintain it to that point. Of course it's</p> <p>5 been superseded by strategies we've implemented since to</p> <p>6 maintain it beyond 2010, but the time horizon</p> <p>7 contemplated here was seven years.</p> <p>8 Q. And this was the development committee,</p> <p>9 the same committee you've talked to me about in the</p> <p>10 past?</p> <p>11 A. This was the development committee,</p> <p>12 May the 7th, 2003, yes.</p> <p>13 Q. The people on the front page listed under</p> <p>14 the "To" list, were they members of the development</p> <p>15 committee?</p> <p>16 MR. POPE: As of 2003, I assume you mean?</p> <p>17 MR. TILLERY: Yes, I'm talking about</p> <p>18 "7.05.03".</p> <p>19 THE WITNESS: I believe that to be the case,</p> <p>20 although I -- I don't have a list of those members in</p> <p>21 my -- in my memory, but it would appear to be the case,</p> <p>22 yes.</p> <p>23 BY MR. TILLERY:</p> <p>24 Q. And then there is a "cc management"?</p> <p>25 A. Yes.</p>
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<p>1 committee minutes.</p> <p>2 Q. Does that reflect a discussion on the</p> <p>3 strategy to maintain the triazine business until about</p> <p>4 2010?</p> <p>5 A. Oh, that -- that I don't know. Would you</p> <p>6 like to direct me to some of the text?</p> <p>7 Q. I can. On page 2 --</p> <p>8 A. Page --</p> <p>9 Q. The second page of the document, in the</p> <p>10 main box under "Triazine LCM"?</p> <p>11 A. Yes.</p> <p>12 Q. Am I -- when you're finished looking at</p> <p>13 that, I'll --</p> <p>14 A. Yes, I think -- yes.</p> <p>15 Q. And on the first page, under item</p> <p>16 number 9, there is a discussion where it says,</p> <p>17 "Triazine - Life Cycle Management", and it refers you to</p> <p>18 page 12 of the document?</p> <p>19 A. Right.</p> <p>20 Q. Do you know why that discussion was being</p> <p>21 taken at -- undertaken at that time?</p> <p>22 A. If I can just have a quick look. I think</p> <p>23 for all our older compounds we have strategies of this</p> <p>24 type. The fact that it says the strategy is to maintain</p> <p>25 it until 2010 doesn't mean to say, and it doesn't say,</p>	<p>1 Q. And then there is "cc dev. management",</p> <p>2 what would that be?</p> <p>3 A. Development management. So these would be</p> <p>4 people in the development organization who were not</p> <p>5 members of the development committee.</p> <p>6 Q. Okay. Has the development committee ever</p> <p>7 decided to quit marketing a product it deemed to be</p> <p>8 unsafe?</p> <p>9 A. Not to stop marketing a product that it</p> <p>10 deemed to be unsafe, but to abandon the development of a</p> <p>11 product which wasn't meeting the right safety criteria.</p> <p>12 Q. And that -- and that product stopped at</p> <p>13 that time?</p> <p>14 A. Yes.</p> <p>15 (Exhibit 28 marked for identification.)</p> <p>16 BY MR. TILLERY:</p> <p>17 Q. Look at 28. I think this is the month</p> <p>18 before -- this -- yes, this is the month before the last</p> <p>19 one, I believe. Do you remember from this particular</p> <p>20 set of minutes what the discussion was?</p> <p>21 A. Oh, no.</p> <p>22 MR. POPE: Steve, could I just ask the witness</p> <p>23 whether this is June 8th or August 6th, to the best of</p> <p>24 his recollection? Is this a --</p> <p>25 THE WITNESS: Oh, it's August 6th.</p>

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<p>1 MR. POPE: Thank you.</p> <p>2 BY MR. TILLERY:</p> <p>3 Q. The document is August 6th?</p> <p>4 A. Yes, the day comes before the month.</p> <p>5 Q. And it's --</p> <p>6 MR. POPE: That's the reason for my question.</p> <p>7 BY MR. TILLERY:</p> <p>8 Q. And it is a -- would you -- have</p> <p>9 I missed -- have I misstated the date of any of the</p> <p>10 other prior documents?</p> <p>11 A. I didn't -- I didn't notice. I --</p> <p>12 I don't -- I don't know that you mentioned the precise</p> <p>13 date, but I didn't pay attention if you did.</p> <p>14 Q. Okay. Thank you. Did you attend the</p> <p>15 meeting?</p> <p>16 A. No, I did not.</p> <p>17 Q. Does this set of minutes discuss studies</p> <p>18 that had been done by outside contractors on amphibians,</p> <p>19 endocrine effects of atrazine on amphibians?</p> <p>20 A. On page 12? Is that what you're referring</p> <p>21 to?</p> <p>22 Q. Yes.</p> <p>23 A. It refers to studies done by a gentleman</p> <p>24 called Hayes. At one point, Hayes was a cooperator with</p> <p>25 us and then he ceased to be one, and it's not clear to</p>	<p>1 knowledge about whether there was investigation of</p> <p>2 impact of atrazine on amphibians?</p> <p>3 A. Oh, yes, there were discussions about that</p> <p>4 subject.</p> <p>5 Q. Was that topic brought to you -- to your</p> <p>6 attention?</p> <p>7 A. It was brought to my attention, yes, but</p> <p>8 the topic was debated for the most part in development</p> <p>9 circles, for obvious reasons; there were some quite</p> <p>10 complicated technical points that had to be resolved,</p> <p>11 and they were discussed in development circles and</p> <p>12 regulatory circles.</p> <p>13 Q. By whom was it brought to you?</p> <p>14 A. The head of product development.</p> <p>15 Q. And who was that?</p> <p>16 A. At this time, it was -- let me see now.</p> <p>17 It was about this time that it changed. I believe by</p> <p>18 this time it was John -- Lewis Smith.</p> <p>19 Q. And what entity of the Syngenta entities</p> <p>20 would he have been affiliated?</p> <p>21 A. Well, it still shows him as "GB",</p> <p>22 Great Britain, or "UK", Alderley Park, "AP", so he was</p> <p>23 still shown as being located in this north-western</p> <p>24 England toxicology laboratory or site, but he did move</p> <p>25 to Basel and he was an employee based in Basel</p>
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<p>1 me whether at this point he had ceased to be one.</p> <p>2 I believe so. I believe by this time he was no longer a</p> <p>3 cooperator.</p> <p>4 Q. And this was a discussion of those --</p> <p>5 those studies?</p> <p>6 A. It refers to these studies, and it also</p> <p>7 refers to an Ecorisk Panel and laboratory tests as well.</p> <p>8 Q. And do you know who had retained Hayes?</p> <p>9 A. When he worked for -- I believe Hayes was</p> <p>10 retained pre-merger and not post, but I can confirm that</p> <p>11 if necessary.</p> <p>12 Q. So he would have been retained, as best</p> <p>13 you recall, by Novartis?</p> <p>14 A. Yes, or maybe even by Ciba-Geigy prior to</p> <p>15 that.</p> <p>16 Q. Okay. Was there a discussion about</p> <p>17 investigation of atrazine's effects on amphibians?</p> <p>18 MR. POPE: Are you asking him whether that's</p> <p>19 what the document says?</p> <p>20 MR. TILLERY: I'm asking him whether he</p> <p>21 remembers.</p> <p>22 BY MR. TILLERY:</p> <p>23 Q. Do you remember?</p> <p>24 A. I wasn't in the meeting, so --</p> <p>25 Q. Do you remember -- do you have any</p>	<p>1 subsequently.</p> <p>2 Q. And do you know what -- what -- strike</p> <p>3 that.</p> <p>4 Do you know what entity he worked for at the</p> <p>5 time he made the comment to you about amphibian studies</p> <p>6 relating to atrazine?</p> <p>7 A. No.</p> <p>8 Q. And what did he ask of you with respect to</p> <p>9 amphibian studies regarding atrazine?</p> <p>10 A. Nobody has asked anything of me with</p> <p>11 regard to these studies. They have informed me of them.</p> <p>12 Q. And they -- he just simply told you about</p> <p>13 the studies?</p> <p>14 A. He and subsequently others have told me</p> <p>15 about this whole matter, yes.</p> <p>16 Q. And was anything undertaken as a result of</p> <p>17 this meeting with respect to the committee and atrazine</p> <p>18 studies?</p> <p>19 A. Excuse me, I'm just reading the</p> <p>20 conclusions.</p> <p>21 Q. Go ahead.</p> <p>22 A. We have the conclusion:</p> <p>23 "DeCo feels that the time may have come to</p> <p>24 wind-down this work programme".</p> <p>25 Q. Wind down whose work program?</p>

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<p>1 A. The work program in connection with 2 these -- the amphibian -- the reptiles and amphibians. 3 Q. Was reptile and amphibian studies relating 4 to atrazine ongoing? 5 MR. POPE: Dr. Atkin, if that document 6 refreshes your recollection, that's fine -- 7 BY MR. TILLERY: 8 Q. Otherwise -- 9 MR. POPE: -- otherwise, don't try and -- 10 THE WITNESS: No, I'm just -- 11 MR. POPE: -- answer that question while 12 you're reading that piece of paper, okay. 13 THE WITNESS: No, I wasn't going to do that. 14 But I was just trying to find reference to it. 15 BY MR. TILLERY: 16 Q. Do you remember? 17 A. I don't recall any details about any work 18 program connected with that that we undertook or caused 19 to be undertaken. I have been informed from time to 20 time about conclusions relating to this -- in the way 21 that this is recorded. 22 Q. And who has given you updates from time to 23 time? 24 A. The head of development, Lewis Smith 25 at that time, and in more recent times, the --</p>	<p>1 question. It is not addressed to him, it is not sent by 2 him and he's not even cc'd, as far as I can see. 3 THE WITNESS: I can make some comments on it. 4 BY MR. TILLERY: 5 Q. Go ahead. 6 A. The -- the message is from Gary Dickson, 7 who at that time was head of development in the 8 United States, and what he's drawing to Mike Mack, 9 who was then head of the business in the United States, 10 so he had -- he was president of that -- in 11 Vern Hawkins' role, and he's drawing attention to the 12 fact that we were -- "we", the company was discussing 13 options to replace atrazine, and he's interpreting this 14 as being potentially problematic, and he's pointing out 15 reasons why those discussions should be very considered, 16 because of the importance of atrazine in the 17 United States and the support that he has. That's what 18 he is -- that's what he is reminding us of. 19 I can tell you that this is a very relevant 20 point, and it's one that was always borne in mind, and 21 it is, of course, the reason -- one of the reasons why 22 atrazine is still a very critical product for us, but, 23 you know, he's -- he's drawing that to his boss's 24 attention, and -- and that was fine and -- 25 Q. Was -- was this information sent on to</p>
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<p>1 Gerardo Ramos, who -- and before him, a man called 2 Rolf Furter, and of course -- 3 Q. Can you tell me which entities these 4 people are associated with? 5 A. Those are all Basel-based people, but from 6 time to time, I have had some direct information on this 7 from the United States. 8 Of course, the United States is the most 9 concerned by this, and they have -- from both a 10 regulatory and a safety standpoint, they -- they are the 11 ones that understand this most deeply and have the 12 expertise. 13 So to the extent that I was getting relayed 14 information, it was information predominantly coming 15 from the United States. 16 MR. POPE: Could you just clarify what you 17 mean by "from the United States". 18 THE WITNESS: Crop Protection Inc., Syngenta 19 Crop Protection Inc. 20 (Exhibit 29 marked for identification.) 21 BY MR. TILLERY: 22 Q. Would you take a look at exhibit number 29 23 for me, please. Can you explain this, if you know what 24 it is? 25 MR. POPE: Objection to the form of the</p>	<p>1 you? 2 A. No, but I'm -- I'm very familiar with 3 the -- the concern expressed here, and it's just fine 4 that he expressed it in this way and he was absolutely 5 right and we acted upon it and if any reminder was 6 needed, he gave us it. 7 Q. Did you act upon this discussion? 8 A. I didn't act upon this memo at all. 9 It wasn't to me, as -- as has been pointed out, but we 10 took into account his comments here. 11 Q. How did you take this specific comment 12 into account? 13 A. It was more or less -- for those people 14 who were involved in this discussion, it was just a 15 reminder of something they already knew, so it didn't 16 constitute new information, but it -- it underlined an 17 important point. 18 Q. Was there -- strike that. 19 Then there was some discussion at or near that 20 time by Crop Protection International in Basel, either 21 around September 2003, before or after, about the 22 possibility of getting out of the atrazine business? 23 A. About replacing atrazine: there'd been 24 discussions since the creation of Syngenta and before 25 about, did we have anything new that would be a better</p>

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<p>1 alternative -- would be a good alternative to atrazine, 2 and those discussions continue and -- and -- as we do 3 for paraquat and metolachlor and many of our other 4 products that are quite old. 5 Q. Has any subsidiary stopped selling 6 atrazine because of safety concerns? 7 A. No. 8 (Exhibit 30 marked for identification.) 9 BY MR. TILLERY: 10 Q. I'll show you what's been marked as 11 exhibit number 30. Do you know what this is? 12 MR. POPE: Objection to the form of the 13 question. 14 THE WITNESS: It's the minutes of an extended 15 development management meeting. I've not seen -- 16 I don't recall. My name's -- I'm copied, but I don't 17 recall having seen this. 18 BY MR. TILLERY: 19 Q. What's an extended development management 20 meeting mean? 21 A. I believe it means -- well, it clearly 22 means it involved people beyond the devco, the 23 development committee, so the list -- the "To" list is 24 longer. 25 Q. Do you know who these people are?</p>	<p>1 whole range of items to improve the cost effectiveness 2 of his organization. It talks about output and it talks 3 about costs, I can see that, and it talks about business 4 as well. That was because of the input of Jan Suter, 5 who -- who was the head of our global marketing 6 organization at the time. 7 (Exhibit 31 marked for identification.) 8 BY MR. TILLERY: 9 Q. If you would, take a look at exhibit 31, 10 please. What is that, sir? 11 A. It's another set of minutes from the 12 development committee. 13 Q. And do you know what they're referencing? 14 A. I can read what they're referencing. 15 Q. Do you remember that discussion? 16 A. I wasn't at the meeting, but I am well 17 aware of some of the points raised, particularly the 18 atrazine item which summarizes the input of 19 Janis Mcfarland. Janis Mcfarland is the regulatory 20 leader in the United States of Syngenta Crop 21 Protection Inc., who is responsible for atrazine 22 registration in the United States. 23 Q. And what do you remember about that 24 discussion of atrazine? 25 A. I wasn't there.</p>
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<p>1 A. Yes. 2 Q. Do you know what entities they are 3 associated with? 4 A. I don't know all the legal entities of 5 these people, no. I know where they are based, for the 6 most part. 7 Q. Can you tell whether -- what countries 8 they're based in? 9 A. Only because I know. It's not indicated 10 here. 11 Q. Which countries are represented? 12 A. Mainly the UK, Basel -- Switzerland, 13 therefore. 14 Q. UK and Switzerland? 15 A. Mainly. I'm just checking. There's a 16 Brazilian here who was excused, Fernando Gallina. 17 Gary Dickson from Syngenta Crop Protection Inc. is here. 18 So this was an international meeting. 19 Q. Can you tell if this particular meeting 20 was designed -- designed to secure or make 21 recommendations for decisions by you? 22 A. I don't believe it was. 23 Q. What was the purpose of the meeting? 24 A. This was, I believe, to be Lewis Smith, 25 who was the head of development at the time, covering a</p>	<p>1 Q. Okay. But do you remember the topic? 2 I'm not asking you to -- about what you remember from 3 the meeting. Do you remember that topic of discussion? 4 A. That topic in the broad -- in a broad 5 sense, yes. Yes. 6 Q. Okay. 7 (Exhibit 32 marked for identification.) 8 BY MR. TILLERY: 9 Q. Let's go to exhibit 32. Tell me if you 10 recognize that. Do you remember this? 11 A. I remember some -- 12 MR. POPE: Objection to the form of the 13 question. 14 THE WITNESS: I remember something of it. 15 BY MR. TILLERY: 16 Q. In May of 2000, did Hieri Gugger -- 17 A. "Hieri". 18 Q. Hieri Gugger, he was then the president of 19 Syngenta Crop Protection Inc.; right? 20 A. He was. 21 Q. At that time, did he ask you and a man 22 named Dino Sozzi whether you had any concerns about a 23 proposal to conduct a study of atrazine's effects on 24 luteinizing hormone surge in rhesus monkeys? 25 A. That was the subject under discussion.</p>

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<p>1 I'm just trying to determine if he asked me or not.</p> <p>2 MR. POPE: Well, the first question is whether</p> <p>3 you recall being asked.</p> <p>4 THE WITNESS: I recall being asked? I recall</p> <p>5 being asked what I thought about this.</p> <p>6 BY MR. TILLERY:</p> <p>7 Q. Was the study proposed as part of Syngenta</p> <p>8 Crop Protection Inc.'s defense of atrazine before the</p> <p>9 Environmental Protection Agency in the United States?</p> <p>10 A. It's difficult to determine that from this</p> <p>11 memo. It appears to be the case.</p> <p>12 Q. Do you know what the purpose of the study</p> <p>13 was?</p> <p>14 A. I only know what's written here.</p> <p>15 Q. You don't remember what the purpose of a</p> <p>16 proposed study would be? If you don't, that's fine.</p> <p>17 A. I do not.</p> <p>18 Q. Okay.</p> <p>19 A. I just remember that primates were</p> <p>20 involved.</p> <p>21 Q. Was the study performed?</p> <p>22 A. I cannot recall.</p> <p>23 Q. Did you give your permission?</p> <p>24 MR. POPE: Objection to the form of the</p> <p>25 question.</p>	<p>1 Q. All right. Now, tell me if this document</p> <p>2 was placed into effect in 2005?</p> <p>3 A. Well, it says it's version 1.1, so I don't</p> <p>4 know if this document was ever placed into effect.</p> <p>5 Q. You don't know whether it's in effect now</p> <p>6 at all?</p> <p>7 A. I do not.</p> <p>8 Q. Do you know if there's a project</p> <p>9 management handbook?</p> <p>10 A. We have guidance on the management</p> <p>11 of product -- product lifecycle management. We do have</p> <p>12 guidance on this. I don't know if this is it.</p> <p>13 Q. Is there another document, then, that</p> <p>14 you're familiar with, other than this one, that deals</p> <p>15 with the same topic?</p> <p>16 A. Not that I am intimately familiar with,</p> <p>17 but I'm familiar with what this is trying to achieve and</p> <p>18 what the goals are, and we do discuss product lifecycle</p> <p>19 management frequently.</p> <p>20 Q. Well, why don't you look through this,</p> <p>21 then, and tell me if this describes accurately the</p> <p>22 processes that you take when you're dealing with product</p> <p>23 lifecycle management today so I can tell if it describes</p> <p>24 accurately the functions?</p> <p>25 A. Is there a particular piece that you would</p>
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<p>1 THE WITNESS: It wasn't a question of me</p> <p>2 giving my permission --</p> <p>3 BY MR. TILLERY:</p> <p>4 Q. I'm not asking -- I'm just asking did you.</p> <p>5 MR. POPE: Well, the foundation would be, if</p> <p>6 he's not asked for his permission, how can he give it?</p> <p>7 How can he answer your question?</p> <p>8 THE WITNESS: I did not provide that kind of</p> <p>9 input to the team.</p> <p>10 BY MR. TILLERY:</p> <p>11 Q. Okay.</p> <p>12 (Exhibit 33 marked for identification.)</p> <p>13 BY MR. TILLERY:</p> <p>14 Q. Now let's look at exhibit -- let's look at</p> <p>15 exhibit 33 now. Please tell me if you know what this</p> <p>16 is?</p> <p>17 A. I know it's product -- "PLCM" stands for</p> <p>18 product lifecycle management, and it says it's a project</p> <p>19 management handbook.</p> <p>20 Q. And this is a -- a product of</p> <p>21 Crop Protection?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And Crop Protection, namely, the one that</p> <p>24 you head in Basel?</p> <p>25 A. Yes.</p>	<p>1 like me to --</p> <p>2 Q. No, I'm actually in this document</p> <p>3 interested in the entire thing.</p> <p>4 A. Oh, you are?</p> <p>5 Q. Yes.</p> <p>6 A. I don't know how far you want me to go</p> <p>7 through this. I can see there are lots of things in</p> <p>8 here that we do do.</p> <p>9 Q. Do you find anything that's contained</p> <p>10 within that document which is inconsistent --</p> <p>11 inconsistent with your current process?</p> <p>12 A. Gosh, you really -- if -- I would need to</p> <p>13 give this a thorough -- a thorough review. I can see</p> <p>14 lots of things that are consistent with it, but I'd need</p> <p>15 to spend about fully 40 minutes if I was going to give</p> <p>16 you an accurate answer to that question. I mean, this</p> <p>17 was five years ago.</p> <p>18 Q. All I'm looking for is if you have any</p> <p>19 reason to believe that this isn't a reflection of your</p> <p>20 current process. If it -- if you don't know, that's</p> <p>21 fine, but I -- what I'm trying to find out, the document</p> <p>22 was provided to us as a guideline and --</p> <p>23 A. Yes, of course. And, you know --</p> <p>24 Q. I'm just trying to -- I'm just trying to</p> <p>25 authenticate the document as a document --</p>

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<p>1 A. Of course.</p> <p>2 Q. -- that's in place for that?</p> <p>3 A. I think you can -- ah, that's the only</p> <p>4 thing where I'd have to take a small reserve. I don't</p> <p>5 know if it -- it covers everything we do today.</p> <p>6 I can see that what it tries to do is define</p> <p>7 global, regional and country decision rights and --</p> <p>8 and -- and priorities, which I think is an important</p> <p>9 thing, so it -- it looks at how we organize vertically</p> <p>10 for this, which I remember being something important</p> <p>11 that we wanted to do. I can see that it -- it touches</p> <p>12 that.</p> <p>13 So I can authenticate the document in the sense</p> <p>14 that it was -- it contains much of the -- the ways of</p> <p>15 working that we still incorporate today.</p> <p>16 MR. TILLERY: I have no further questions.</p> <p>17 MR. POPE: I just have a few clarifying</p> <p>18 questions, Mr. Tillery.</p> <p>19 EXAMINATION BY MR. POPE:</p> <p>20 BY MR. POPE:</p> <p>21 Q. There was a question asked of you this</p> <p>22 morning, I think, about Peter Hertl?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know whether he's a toxicologist by</p> <p>25 education?</p>	<p>1 field testing in the United States. It's all done by</p> <p>2 our American organization.</p> <p>3 Q. All right. To the extent any products</p> <p>4 were tested in Illinois, is there any other company that</p> <p>5 would have been involved in those, other than Syngenta</p> <p>6 Crop Protection Inc.?</p> <p>7 A. Any other Syngenta company?</p> <p>8 Q. Yes, sir.</p> <p>9 A. No.</p> <p>10 Q. Okay. You -- you had some discussion with</p> <p>11 Mr. Tillery this morning on the concept of a subsidiary</p> <p>12 discontinuing a product; do you recall that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. In your understanding of the</p> <p>15 legal rights of the subsidiaries of the companies,</p> <p>16 of the various subsidiaries, does a local company have</p> <p>17 the right to discontinue selling a product?</p> <p>18 MR. TILLERY: Excuse me. I object to the form</p> <p>19 of the question, and I also object to foundation, of the</p> <p>20 witness.</p> <p>21 MR. POPE: I'm sorry? You asked him --</p> <p>22 MR. TILLERY: I said I object to the</p> <p>23 foundation.</p> <p>24 MR. POPE: You asked him the question.</p> <p>25 MR. TILLERY: I stand on my objection.</p>
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<p>1 A. I don't know. I understand he may not be,</p> <p>2 but he -- he works in the area of toxicology in --</p> <p>3 Q. Is he the head of product safety?</p> <p>4 A. He's the head of product safety.</p> <p>5 Q. Okay. Some of the discussion regarding</p> <p>6 the testing of -- of products in Illinois that -- you</p> <p>7 had several questions from Mr. Tillery. Do you recall</p> <p>8 that testimony?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. As to any -- to the best of your</p> <p>11 knowledge, as to any products that were tested,</p> <p>12 field tested, in Illinois, what -- what -- who would</p> <p>13 have done that, who would have been responsible for</p> <p>14 doing this?</p> <p>15 A. Syngenta Crop Protection Inc.</p> <p>16 Q. In Greensboro?</p> <p>17 A. In Greensboro through the development</p> <p>18 team, some of whom are based in the field in Illinois.</p> <p>19 Q. Has Syngenta AG ever undertaken any such</p> <p>20 field tests?</p> <p>21 MR. TILLERY: Object to the form of the</p> <p>22 question.</p> <p>23 BY MR. POPE:</p> <p>24 Q. Go ahead.</p> <p>25 A. Syngenta AG never undertakes direct</p>	<p>1 MR. POPE: Okay.</p> <p>2 BY MR. POPE:</p> <p>3 Q. Do you understand the question?</p> <p>4 A. I think you'd better repeat it.</p> <p>5 Q. Okay. Do you, sir -- do you have an</p> <p>6 understanding of whether or not a subsidiary, such as</p> <p>7 Syngenta Crop Protection Inc. or other such</p> <p>8 subsidiaries, have the ability, the legal right,</p> <p>9 to discontinue a product, discontinue selling a product?</p> <p>10 MR. TILLERY: And the same objection that</p> <p>11 I said before: form and foundation, lack of foundation.</p> <p>12 BY MR. POPE:</p> <p>13 Q. The question is, do you have an opinion?</p> <p>14 A. I think, technically, a subsidiary could</p> <p>15 probably do that, but in practice, such an event would</p> <p>16 be highly unlikely.</p> <p>17 It's hard for me to imagine that they would</p> <p>18 want to do that, particularly if that subsidiary has</p> <p>19 production sites producing the product in its entity and</p> <p>20 is exporting such products to other parts of the</p> <p>21 company, it would have to carry out the capacity --</p> <p>22 to do such a thing without consultation with other</p> <p>23 officers of the company does not seem to me to make</p> <p>24 sense, but, technically, perhaps it would be possible.</p> <p>25 Q. In your period of time serving on the</p>

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<p>1 Syngenta Crop Protection Incorporated board, can you 2 give any examples of situations where the company took 3 action -- the SCPI took action without the approval of 4 anyone in Basel or anywhere else? 5 A. Oh, yes. 6 Q. Can you give us those examples, please? 7 A. I mean, most of -- of the business, as it 8 relates to customers, is run entirely independently. 9 Our sales in the United States last year were 10 1.9 billion. We have 3,500 retailers that we are 11 servicing. There are a subsection of those retailers, 12 about a thousand, who have what we call business 13 alignment agreements. The entity over there is managing 14 something like \$700 million of rebate programs. Our 15 gross sales were around 2.5 billion, our net sales were 16 1.9. Six or 700 million is entirely managed 17 independently by them. There is no reference to anybody 18 else and, of course, that is the single biggest retailer 19 or distributor program that we have in the -- in the 20 company, and they manage that independently. 21 There are many other examples. I mean, the 22 biggest deviation we have to our budget this year is 23 because the US organization reduced prices. They 24 reduced prices at the half year, which we reported, 25 to the tune of \$200 million. By the end of the year,</p>	<p>1 that. When I make trips to the United States, they will 2 discuss these matters with me, but they take these 3 decisions. 4 Q. You referred, I think, to some board 5 minutes of the Syngenta Crop Protection Inc. board where 6 dividends were authorized; that's right? 7 A. Yes. 8 Q. Describe how that process takes place, 9 please? 10 A. We get a board resolution to authorize a 11 payment of these dividends, and we -- we sign them as 12 the crop -- Syngenta Crop Protection Inc. board. 13 Q. Is there regularly a discussion about that 14 informally, on the telephone or in person? 15 MR. TILLERY: Object to the form. It's 16 leading and suggestive. 17 THE WITNESS: There is little discussion about 18 that. 19 MR. POPE: Okay. Thank you very much. 20 No further questions. 21 EXAMINATION BY MR. TILLERY: 22 BY MR. TILLERY: 23 Q. Who decides the amount of that dividend? 24 A. I do not -- I do not know. It's decided 25 in the finance and legal and tax area in general, but</p>
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<p>1 that will be about \$300 million. That is about -- 2 to give you some perspective on that, that is 3 approaching 15 to 20 percent of the group's net income. 4 So this is the most significant financial 5 impact event that we have this year, and those decisions 6 are taken entirely by the Crop Protection management in 7 the United States. They don't refer these decisions to 8 the board either. They are done -- and I trust them, 9 we trust them to do it, that's their job, but these 10 decisions are made entirely independently by them and 11 they are of high significance to the company. 12 They administer their advertizing and promotion 13 budget entirely independently, that's some \$60 million. 14 They contract to third parties, that is some 40 to 15 \$50 million. I mean, all their business affairs are 16 handled and managed by them. 17 Q. "By them" being who? 18 A. Syngenta Crop Protection Inc. under the 19 leadership of Vern Hawkins. 20 Q. Are there any examples that you can point 21 to of policy decisions that were made by that company 22 without input from -- 23 A. All their -- all the commercial policy is 24 decided by them without any input from -- from Basel. 25 Occasionally, I will be informed or consulted about</p>	<p>1 it's not -- I -- I do -- I do not have any involvement 2 in those decisions. 3 Q. Well, I misunderstood, then. You -- you 4 didn't discuss the issuance of a dividend as a board 5 member? 6 A. We discussed the fact that it was to -- 7 well, we approved that it would be paid. We didn't make 8 the calculations as to how much it would be, nor did we 9 provide any information that resulted in it being 10 calculated. 11 Q. Now, he asked you issues about your 12 understanding of the legal rights. Is it your belief 13 that the board of directors of Syngenta Crop 14 Protection Inc. is the one that declares the dividend? 15 A. We approve and agree the payments of those 16 dividends. 17 Q. So you are the one that have that 18 authority; right? 19 A. The board? 20 Q. The board. 21 A. The board agrees and approves those 22 dividends. 23 Q. And not the sole stockholder, the owner of 24 the company, right, which would be the seeds company in 25 the US; is that right? Are you absolutely certain about</p>

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1	that?	1	the record, so yesterday's deposition and today will be
2	A. No, I am just certain that -- I'm only	2	covered by the protective order because there's
3	certain of one thing, that we approve the payment of	3	confidential business information being discussed.
4	those dividends. That's all I'm certain about.	4	Thank you very much. We will read and sign the
5	Q. Okay. Are you the one that determined the	5	deposition. Thank you.
6	amount of the dividend.	6	THE VIDEOGRAPHER: Off the record. The time
7	A. No.	7	is 16:20. End of tape 4, volume I. This is the end of
8	Q. Is that what you're saying?	8	the videotape deposition of John Atkin.
9	A. No, it's not what I'm saying. I'm saying	9	(Whereupon, the deposition concluded at 4:20 p.m.)
10	that I get documents with dividends on and we approve	10	
11	them.	11	
12	Q. You sign them?	12	
13	A. I sign, along with other board members,	13	
14	the payment of those dividends.	14	
15	Q. You do a -- a unanimous consent signature	15	
16	on a document --	16	
17	A. Yes.	17	
18	Q. -- that is presented by the legal	18	
19	department to your office to sign; isn't that correct?	19	
20	A. It comes to all of us. It comes to all of	20	
21	us.	21	
22	Q. By the legal department?	22	
23	A. The legal and finance department.	23	
24	Q. It is a fact that you did not ever have a	24	
25	meeting to talk about the issuance of a specific amount	25	

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1	of a dividend at -- as a board member of the Syngenta	1	CORRECTIONS PAGE
2	Crop Protection Inc. --	2	Page No Line No Description
3	A. We did not have a meeting to do that, no.	3	
4	Q. All right. Now, in terms of legal rights	4	
5	of the subsidiaries, I want to ask you some questions --	5	
6	do you feel that you're competent to answer questions	6	
7	about the legal rights of the -- of the subsidiaries?	7	
8	A. No.	8	
9	Q. Okay. And that's because you have no	9	
10	legal training at all, do you?	10	
11	A. I have no legal training at all.	11	
12	Q. And you cannot, as -- as a matter of fact	12	
13	or law, offer any opinion about what their legal rights	13	
14	are, can you?	14	
15	A. No.	15	
16	MR. TILLERY: Thank you very much.	16	
17	MR. POPE: All right. We'll reserve	17	
18	signature.	18	
19	One other thing, while we're on the record,	19	
20	Steve: I can't remember exactly how the protective	20	
21	order reads, but I would like to -- I would like to	21	
22	designate these two depositions as confidential because	22	
23	there's a lot of --	23	
24	MR. TILLERY: We were assuming that.	24	
25	MR. POPE: Okay. I don't think we did that on	25	

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<p style="text-align: right;">Page 262</p> <p>1 DEPONENT'S DECLARATION</p> <p>2</p> <p>3</p> <p>4 I, , hereby declare under</p> <p>5 penalty of perjury under the laws of the United States</p> <p>6 and the State of Illinois that I have read the foregoing</p> <p>7 transcript and identify it as my own and approve same as</p> <p>8 a true and correct transcript save and except for</p> <p>9 changes and/or corrections, if any, as indicated by me</p> <p>10 on the CORRECTIONS page hereof.</p> <p>11</p> <p>12 , , ,</p> <p>13 Date City State</p> <p>14</p> <p>15</p> <p>16 Signed:</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	
<p style="text-align: right;">Page 263</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I, Judith White, of Westlaw Deposition</p> <p>4 Services, do hereby certify that the foregoing testimony</p> <p>5 was recorded by me stenographically and thereafter</p> <p>6 transcribed by me, and that the foregoing transcript</p> <p>7 constitutes a full, true and accurate record of said</p> <p>8 examination of and testimony given by said witness, and</p> <p>9 of all other proceedings had during the taking of said</p> <p>10 deposition, and of the whole thereof, to the best of my</p> <p>11 ability.</p> <p>12 I further certify that I am not a relative,</p> <p>13 employee or counsel of any of the parties of the within</p> <p>14 cause, nor am I an employee or relative of any counsel</p> <p>15 for the parties, nor am I in any way interested in the</p> <p>16 outcome of the within cause.</p> <p>17</p> <p>18</p> <p>19 Signed _____ Dated _____</p> <p>20 (Judith White)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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